

POLICIES and PROCEDURES – 2014

Alberta Rhythmic Sportive Gymnastics Federation o/a Rhythmic Gymnastics Alberta

Section 1. Discipline Policy

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Relevant Forms: Report of Violation, Request for
Appeal of Disciplinary Decision

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Policy Number: 1.0

Last Approved: November 17, 2013

1.1 OVERVIEW

1.1.1 Intent (Purpose)

1.1.1.1 Membership and participation in the activities of RGA offers many benefits and privileges. At the same time Members and participants are expected to fulfill certain responsibilities and obligations, including complying with the *Code of Ethics* and *Codes of Conduct* of RGA.

The *Code of Ethics* and *Codes of Conduct*, which reflect RGA's fundamental values, identify the standard of behaviour, which is expected of Members and participants. Those Members who fail to meet this standard may be subject to the disciplinary procedures set out in this *Discipline Policy*. Member Clubs are encouraged to resolve issues and complaints within the Member Club or locally prior to considering the involvement of RGA.

1.1.1.2 The purpose of this policy is to enable disputes between Members to be dealt with fairly, expeditiously and affordably, without recourse to formal legal and court-like procedures.

1.1.1.3 The procedures followed under this policy shall adhere to the process of natural justice and alternative dispute resolution models, which means that:

- a) everyone will have an opportunity to provide his/her version of events;
- b) the issues will be clearly and concisely stated so that the Respondent is aware of the allegations;
- c) the Respondent and Complainant have the right to be represented at any stage of the process at their own expense;
- d) the Respondent and Complainant will receive a copy of any reports generated by the investigation; and the decision-makers (Disciplinary Committee, Alternative Dispute Resolution Officer (ADR Officer), Appeal Panel, and/or Executive Director) have a duty to listen fairly to both sides and to reach a decision untainted by bias.

1.1.2 Responsibility

1.1.2.1 The Board of Directors will be responsible for the implementation of this policy.

1.1.2.2 On behalf of the Board of Directors, the Executive Director will identify and designate a Discipline Committee and ADR Officer, as needed.

1.1.2.3 The Chairperson of the Discipline Committee and the ADR Officer shall be appointed by the Executive Director, in consultation with the Executive Committee of the Board of Directors.

1.1.2.4 RGA will act quickly on any complaint of an infraction of the *Code of Ethics* and/or *Codes of Conduct*, abuse, discrimination or harassment with the goal of resolving the situation fairly and of preventing future occurrences, including determining and enforcing appropriate discipline, if required.

1.1.2.5 All Members have the responsibility to follow their respective *Code of Ethics* and *Codes of Conduct* and behave according to the rules outlined by RGA.

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- 1.1.2.6 Where the Complainant or the Respondent is a minor, or otherwise unable to speak for him or herself a Responsible Adult (e.g. a parent, guardian, or other adult of the person's choice) may speak on their behalf.

1.1.3 Confidentiality

- 1.1.3.1 Throughout the implementation of this policy, every effort will be made to maintain the confidentiality of any information relating to the complaint, including content of meetings, interviews, results of investigations, and other relevant material. Disclosure will only occur if it is directed by the Discipline Committee as part of a disciplinary action, or it is required by law or it is in the best interests of the public. Confidentiality agreements will be required from Discipline Committee members and the ADR Officer.

1.1.4 Records

- 1.1.4.1 The Executive Director shall be required to keep all records related to this policy, in a locked and confidential area. Information regarding cases will be kept on file in a sealed, signed envelope.
- 1.1.4.2 The ADR Officer shall have access to notes and records made by any other ADR Officer.
- 1.1.4.3 If the complaint is not resolved informally and the complaint is referred to the Discipline Committee or an ADR Officer for investigation, a copy of the *Report of Violation* shall be placed in RGA's records.
- 1.1.4.4 Where an investigation results in a finding of abuse, discrimination or harassment, the outcome of the investigation and any disciplinary action shall be recorded in RGA's records relating to the Respondent. The records shall include copies of reports related to the investigation and decisions made by the Discipline Committee.

1.1.5 Application of this policy

- 1.1.5.1 This policy applies to all categories of Members and to all individuals participating in activities organized or sanctioned by RGA. These include, but are not limited to athletes, coaches, judges, officials, organizers, managers, volunteers, directors, officers and employees, registrants, and in the case of minor gymnasts, the parents or guardians of the registrant.
- 1.1.5.2 This policy applies to all disciplinary matters, which may arise during the course of RGA's business, activities and events, including, but not limited to the work environment, competitions, practices, training camps, travel associated with RGA activities, and any meetings of staff, committees, assemblies, associated social events or the Board of Directors' activities.
- 1.1.5.3 This policy shall be in affect if a Member Club does not have its own discipline policy. Individuals are encouraged to resolve club matters internally.

1.1.6 Reporting an infraction

- 1.1.6.1 Any individual may submit a *Report of Violation* to the Executive Director regarding any infraction of a *Code of Ethics* and/or *Codes of Conduct* implemented by RGA. It shall be at the sole discretion of the Executive Director to determine if the infraction is best dealt with as a minor or a major infraction, or if it warrants consideration as an incident of abuse, harassment or discrimination.

1.2 MINOR INFRACTIONS

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1.2.1 Definitions

1.2.1.1 Minor infractions are single incidents of misconduct, which breach a Code of Conduct and/or Code of Ethics but generally do not result in harm to others. Examples of minor infractions can include but are not limited to the following:

- failing to follow the dress code;
- minor bullying and/or minor harassment;
- disturbances or disruptions;
- unbecoming conduct such as arguing, rudeness, or disrespect;
- use of tobacco products, including snuff or chew, by minors;
- missing curfew;
- leaving the group without permission;
- failure to stop a questionable behaviour when asked to; or
- not following through on a reasonable behaviour that was asked.

1.2.2 Recommended procedures

1.2.2.1 All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority (as appointed by the Board of Directors) over the individual involved: this person may include, but is not restricted to, a member of the Board of Directors or committees, ADR Officer, coach or the Executive Director.

1.2.2.2 Procedures for dealing with minor infractions shall be informal and educational in nature. The nature of the discipline shall be determined at the discretion of the appointed person having authority. This individual must verify the facts involved in the incident, before taking corrective action. This policy permits the appropriate person to take immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.

1.2.2.3 When a minor is involved, their Responsible Adult should be present whenever possible.

1.2.2.4 If the individual is known to have been involved in similar incidents, the designated authority may choose to submit a *Report of Violation* to the Executive Director (1-3 days after the event).

1.3 MAJOR INFRACTIONS (NON HARASSMENT/ABUSE RELATED)

1.3.1 Definitions

1.3.1.1 Major infractions are instance of misconduct which violate a *Code of Ethics* and/or *Codes of Conduct* and results, or has the potential to result in harm to another person, to RGA or to the sport of Rhythmic Gymnastics. Major infractions can also be a series of repetitive incidents of minor infractions. Examples of major infractions can include but are not limited to the following:

- openly questioning scoring results made by a judge;
- discussing confidential material to Members, the media, etc.;
- refusal to shake hands with another athlete;
- refusal to receive a medal or gift;
- not submitting required post-event reports on time; or
- consistently missing registration deadlines.

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- 1.3.1.2 The Executive Director, in consultation with the Discipline Committee or ADR Officer may determine that the alleged infraction is of such seriousness as to warrant immediate suspension of the individual pending investigation and decision of the Discipline Committee.

1.3.2 Reporting a major infraction

- 1.3.2.1 In order for the Discipline Committee to hear a complaint, the Member(s) concerned about a situation must submit a *Report of Violation* to the Executive Director. At the discretion of the Executive Director the Executive Committee and/or The Board of Directors may be notified of a major infraction.

- 1.3.2.2 If the Complainant is a minor, or someone otherwise unable to speak for him or herself, a Responsible Adult may bring the complaint forward. The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:

- a) making a complaint;
- b) receiving all notices on behalf of the Complainant; and
- c) being present at all dealings with the Complainant.

- 1.3.2.3 If the Respondent is a minor, or someone otherwise unable to speak for him or herself, a Responsible Adult will have the right to act on behalf of the Respondent throughout the complaint process, including:

- a) responding to the *Report of Violation*;
- b) receiving all notices on behalf of the Respondent; and
- c) being present at all dealings with the Respondent.

1.3.3 Complaint procedure

- 1.3.3.1 Where the incident is deemed a major infraction, a Disciplinary Hearing by the Discipline Committee is required. The Executive Director shall notify in writing the individual alleged to have committed a major infraction within three (3) days of receiving that notice. The Respondent will receive a copy of the *Report of Violation*.

- 1.3.3.2 Within seven (7) days of receiving a *Report of Violation* the Executive Director shall contact the Discipline Committee and/or ADR Officer.

- 1.3.3.3 Having regard to the nature of the discipline matter and the potential consequences of any resulting disciplinary action, the Discipline Committee will call for a Disciplinary Hearing and may request further investigation of the matter.

- 1.3.3.4 The Discipline Committee shall commence a Disciplinary Hearing as soon as possible, but not more than twenty-one (21) days after being notified.

- 1.3.3.5 The Discipline Committee will provide a written decision, with reasons within seven (7) days of the conclusion of the Disciplinary Hearing.

1.3.4 Preliminary meeting

- 1.3.4.1 The Discipline Committee may determine that the circumstances of the infraction warrant a preliminary meeting by committee members. The Committee may delegate to one of its members the authority to deal with these preliminary matters involved with a Disciplinary Hearing, which may include but are not limited to:

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- a) format for the Hearing;
- b) date and location of the Hearing;
- c) timelines for the exchange of documents;
- d) clarification of issues in the infraction;
- e) order and procedure of the Hearing;
- f) evidence to be brought before the Hearing;
- g) identification of any witnesses; or
- h) any other procedural matter, which may assist in expediting the Hearing.

1.3.5 Investigation

- 1.3.5.1 Depending on the nature and severity of the infraction, or by request of the Discipline Committee, the Executive Director may appoint an independent individual to conduct an investigation. If this is the case, the Investigating Officer shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Executive Director and Discipline Committee.
- 1.3.5.2 During the investigation, the Complainant and Respondent shall provide the Investigating Officer of all evidence, which is relevant to the complaint in writing.

1.3.6 The Disciplinary Hearing by the Discipline Committee

- 1.3.6.1 Where the Respondent acknowledges the facts of the incident, he or she may waive the Hearing, in which case the Discipline Committee shall determine the appropriate disciplinary action. Even so, the Committee may still hold a Disciplinary Hearing if deemed necessary.
- 1.3.6.2 Having regard to the nature of the discipline matter and the potential consequences of any resulting disciplinary action, the Discipline Committee shall decide whether to:
 - a) conduct the Disciplinary Hearing by way of review of documentary evidence;
 - b) by way of oral Hearing, either in-person or by means of telephone conference; or
 - c) by way of a combination of these two methods.
- 1.3.6.3 The Discipline Committee shall govern the Disciplinary Hearing as it sees fit, provided that:
 - a) all committee activity shall adhere to confidentiality guidelines;
 - b) the individual being disciplined shall be given ten (10) days written notice of the day, time and place of the Hearing;
 - c) the individual being disciplined shall receive a copy of the *Report of Violation* and the Investigator's report, if an investigation was carried out;
 - d) a quorum shall be all three Committee members, and decisions shall be by majority vote where the Chairperson carries a vote;
 - e) in the case of an oral Hearing, the Respondent may be accompanied by a representative;
 - f) in the case of an oral Hearing, the Respondent shall have the right to present evidence and argument;
 - g) in the case of an oral Hearing, the Investigator may participate in the Hearing at the request of the Committee;
 - h) the Committee may request that any witness be present at the Hearing or submit written evidence in advance of the Hearing;
 - i) if the Respondent chooses not to participate in the Hearing, the Hearing shall

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nonetheless proceed;

- j) the Hearing shall be held in private; and
- k) the Committee shall have the authority to abridge or extend timelines associated with any aspect of the Hearing.

- 1.3.6.4 After hearing the matter, the Discipline Committee shall determine whether or not the individual has breached the *Code of Ethics* and/or *Codes of Conduct* and if so, the appropriate disciplinary action to be imposed and any measures to mitigate the harm suffered by others as a result. The Committee's written decision, with reasons, shall be distributed to all parties and to the Executive Director within seven (7) days of the conclusion of the Hearing.

1.4 MAJOR INFRACTIONS RELATED TO ABUSE, DISCRIMINATION AND HARASSMENT

1.4.1 Intent (Purpose)

- 1.4.1.1 The purpose of this section of the policy is to provide guidelines for dealing with abuse, discrimination or harassment complaints in an effective and timely manner, and to provide a procedure for informal and formal review and resolution.
- 1.4.1.2 In addition to the procedure available under this policy, every person who experiences harassment continues to have the right to seek further assistance:
 - a) A complaint may be filed with Alberta Human Rights Commission if the complaint falls under the definition of discrimination on prohibited grounds; and/or
 - b) A complaint may be filed with the police and/or other appropriate authorities if the behaviour is criminal activity (i.e. abuse, stalking, etc).
- 1.4.1.3 If the Complainant initiates proceedings with the Alberta Human Rights Commission with respect to the same incident(s), which is the subject matter of a complaint under this policy, the Complainant shall be deemed to have withdrawn their complaint to the RGA under this policy and the internal process would cease until such investigation is complete. The result of such an investigation would be taken into consideration for disciplinary action.
- 1.4.1.4 If child abuse is suspected or disclosed, reporting to the proper authorities is mandatory and it should be reported to the police and/or the Child Protection Branch of the Alberta Social Services.

1.4.2 Statement of policy

- 1.4.2.1 There will be no tolerance of abuse, discrimination and harassment within RGA.
- 1.4.2.2 RGA is committed to the prevention of abuse, discrimination and harassment through educational programs including information and training.
- 1.4.2.3 RGA is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment, which promotes equal opportunities and prohibits discriminatory practices.
- 1.4.2.4 This policy applies to all employees as well as to all Members. RGA encourages the prompt reporting of all incidents of abuse, discrimination or harassment, regardless of who the alleged offender may be.
- 1.4.2.5 For the purposes of this policy, abuse, discrimination or harassment may occur at, but

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is not limited to, the following places:

- at sporting events, competitions, and in practice sessions;
- at the RGA Office;
- at RGA social functions;
- at RGA business functions, such as meetings, assemblies, conferences, training sessions, and workshops;
- during RGA related travel;
- on-line, social media activity
- over the telephone; or
- elsewhere if the person harassed is there as a result of responsibilities or relationships related to RGA.

1.4.2.6 Discipline is an indispensable part of high performance sport and should not be confused with abuse, discrimination or harassment. However, it is of vital importance that those in authority:

- a) set and communicate performance and training standards to all participants and guardians;
- b) ensure that training involving touching or other physical contact occur in an appropriate setting and only after informed consent has been sought and received;
- c) be consistent and non-harassing in taking any corrective or punitive action;
- d) use non-harassing terminology; address individuals by name and avoid the use of derogatory, slang or offensive terms;
- e) refer to and follow their respective *Code of Ethics* and/or *Codes of Conduct*.

1.4.3 Definitions

1.4.3.1 Abuse: Abuse can be sexual abuse, physical abuse, or neglect.

- a) **Sexual Abuse** can be identified as fondling, genital exposure and exhibitionism, inappropriate kissing and hugging, sexual gestures and sexual or even obscene language. Forcible intercourse, oral sex, sexual assault, sexually oriented hazing, commercial exploitation for the purposes of pornography, and the display or distribution of sexually explicit materials is the other forms of sexual abuse. Inappropriate touching may occur on virtually any part of the body; however there are five parts of the body that are considered overtly sexual, these are: genitals, anus, mouth, breasts, and buttocks.
- b) **Physical Abuse** exists when a person intentionally hurts or threatens another person. Physical abuse can take the form of hitting, shaking, restraining, pushing, grabbing, throwing objects or otherwise causing physical harm. In sport, this generally is interpreted as it relates to athletes in the care of a coach, but is not limited to an adult/minor relationship.
- c) **Neglect** occurs when a caregiver fails to meet a child's basic necessities of the life that are appropriate to their age and level of development. Systematic or prolonged neglect is likely to result in the serious impairment of a child's health.

1.4.3.2 Abuse: Abuse can be harassment or bullying.

- a) **Bullying** can involve athletes, coaches, parents and volunteers.. The bullies can be both boys and girls. Bullying is deliberately hurtful behaviour or intimidation

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intended to exercise power over a victim. The victim may be younger, smaller or weaker than the bully and hence not in a position to defend him or herself. The bullying behaviour is usually repeated over a period of time.

- b) **Harassment** behaviour that involves comments, conduct or gestures which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals. Behaviour which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group, including, but not limited to:
- written or verbal abuse or threats;
 - physical assault;
 - unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion;
 - displaying of racist or other offensive or derogatory material, racial, ethnic or religious graffiti;
 - practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
 - hazing or initiation rites;
 - obscene gestures;
 - intimidation;
 - behaviour which undermines self-respect or adversely affects performance or working conditions;
 - false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
 - when such conduct has the purpose or the effect of interfering with a person's work/sport performance or creating an intimidating, offensive or hostile work environment.
- c) **Sexual Harassment** includes, but is not limited to, one or a series of incidents of harassment. Also includes, unwelcome sexual advances; requests for sexual favours; or other conduct of a sexual nature.

1.4.3.3 Discrimination: The *Alberta Human Rights Code* provides that no person shall discriminate against a person with respect to employment, publication, accommodation, service, and facilities on any of the following grounds:

- race;
- colour;
- ancestry;
- place of origin;
- political belief;
- marital status;
- conviction for an offense;
- physical disability;
- mental disability;
- sex;
- age;
- sexual orientation;

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- family status; or
- religion.

These are called 'Prohibited Grounds'. Harassment on prohibited grounds is a form of discrimination.

1.4.4 Reporting a major infraction involving abuse, discrimination or harassment

- 1.4.4.1 A Member who thinks he or she has been subjected to conduct which constitutes as abuse, discrimination or harassment under this policy is encouraged to make it known to the individual responsible for the conduct that the behaviour is unwelcome, offensive, and contrary to this policy.
- 1.4.4.2 If the Member is unable to confront the individual, or if after confronting them the behaviour continues, the Member may seek the advice of the Member who has designated authority in the situation or the Executive Director.
- 1.4.4.3 In order for the Discipline Committee to hear a complaint, the Member concerned about a situation must submit a *Report of Violation* to the Executive Director. At the discretion of the Executive Director the Executive Committee and/or The Board of Directors is to be notified of a major infraction.
- 1.4.4.4 If the Complainant is a minor, or someone otherwise unable to speak for him or herself, a Responsible Adult may bring the complaint forward. The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:
 - a) making a complaint;
 - b) receiving all notices on behalf of the Complainant; and
 - c) being present at all dealings with the Complainant.
- 1.4.4.5 If the Respondent is a minor, or someone otherwise unable to speak for him or herself, a Responsible Adult will have the right to act on behalf of the Respondent throughout the complaint process, including:
 - a) responding to the *Report of Violation*;
 - b) receiving all notices on behalf of the Respondent; and
 - c) being present at all dealings with the Respondent.

1.4.5 Automatic suspension

- 1.4.5.1 Notwithstanding the procedures set out in this policy, any individual who is charged with a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of RGA for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action in accordance with this policy.
- 1.4.5.2 All Members are obliged to report any such convictions.

1.4.6 Complaint procedure

- 1.4.6.1 Where the incident is deemed a major infraction, a Disciplinary Hearing by the Discipline Committee is required. The Executive Director shall notify in writing the individual alleged to have committed a major infraction within three (3) days of receiving that notice. The Respondent will receive a copy of the *Report of Violation*.

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- 1.4.6.2 If after reviewing the *Report of Violation*, the Executive Director determines that the incident involved abuse, discrimination or harassment, an ADR Officer will be appointed.

1.4.7 Role of an Alternative Dispute Resolution (ADR) Officer

- 1.4.7.1 RGA shall appoint at least one person to serve as the ADR Officer under this policy.
- 1.4.7.2 RGA shall ensure that the ADR Officer receive appropriate training and support for carrying out their responsibilities under this policy, and, if necessary, will hire those with appropriate training.
- 1.4.7.3 The role of the ADR Officer is to serve in a neutral, unbiased capacity and to receive complaints and assist in resolution of complaints. In carrying out their duties under this policy, the ADR Officer shall be directly responsible to the Executive Director.
- 1.4.7.4 During the initial meeting between the ADR Officer and the Complainant, the ADR Officer shall inform the Complainant of:
- a) the options for pursuing an informal resolution of his or her complaint, including voluntary mediation;
 - b) the right to lay a written formal complaint under this policy when an informal resolution is inappropriate or not feasible. This includes the revision and signing of the *Report of Violation*;
 - c) the confidentiality provisions of this policy;
 - d) the availability of counseling and other resources;
 - e) the confidentiality provisions of this policy;
 - f) the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
 - g) the right to withdraw from any further action in connection with the complaint at any stage (even though RGA might continue to investigate the complaint); and
 - h) other avenues of recourse, including the right to file a complaint with the Alberta Human Rights Commission or, where appropriate, to contact the police where the conduct may be an offense pursuant to the *Criminal Code*.
- 1.4.7.5 There are three possible outcomes to this initial meeting of the Complainant and the ADR Officer.
- a) the Complainant and ADR Officer agree that the conduct does not constitute as abuse, discrimination or harassment, no further action is taken;
 - b) the Complainant brings evidence of abuse, discrimination or harassment and chooses to pursue resolution either informally or formally. The ADR Officer shall, if necessary, assist the Complainant in amending the submitted *Report of Violation*;
or
 - c) the Complainant brings evidence of abuse, discrimination or harassment which is criminal in nature and is referred to the appropriate law enforcement agency where applicable, child welfare will also be notified.

1.4.8 Investigation

- 1.4.8.1 The ADR Officer will conduct an investigation of the alleged infraction. The ADR Officer may request that an Investigating Officer complete the investigation. The *Investigation Report* shall contain:

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- a) a summary of the relevant facts;
- b) where possible, witness accounts;
- c) a determination as to whether the act(s) in question constitute as abuse, discrimination or harassment as defined in this policy; and
- d) recommendations for resolution, which may include disciplinary action against the party/parties.

1.4.8.2 During the investigation, the Complainant and Respondent shall provide the ADR Officer or Investigating Officer of all evidence, which is relevant to the complaint in writing. Members who are minors are to be reminded that a Responsible Adult may be present during any discussions.

1.4.8.3 In completing the *Investigation Report*, the ADR Officer or Investigating Officer shall consider such factors as:

- a) the nature of the abuse, discrimination or harassment;
- b) whether the abuse, discrimination or harassment involved any physical contact;
- c) whether the abuse, discrimination or harassment was an isolated incident or part of an ongoing pattern;
- d) the nature of the relationship between the Complainant and the Respondent;
- e) the ages and mental abilities of the Complainant and of the Respondent;
- f) whether the Respondent had been involved in previous abuse, discrimination or harassment incidents;
- g) whether the actions of the Respondent was a defensive response or retaliation to behaviour by the Complainant; and
- h) whether the Respondent retaliated against the Complainant after the *Report of Violation* was submitted.

1.4.8.4 The Complainant and Respondent shall receive copies of the *Investigation Report*.

1.4.9 Procedures for resolution

1.4.9.1 If the Complainant and Respondent wish to attempt resolution of the complaint, the ADR Officer will proceed with a resolution of the complaint by means deemed appropriate by both parties involved. This may include but are not limited to the following:

- a) the Complainant talks to the Respondent about the behaviour;
- b) the ADR Officer talks to the Respondent and Complainant about the behaviour of both Respondent and Complainant;
- c) other types of resolution recommended by the ADR Officer.

1.4.9.2 If the complaint is resolved to the satisfaction of the ADR Officer, the Complainant and the Respondent, or if the Complainant decides to withdraw the complaint, the ADR Officer will make detailed notes of the actions taken and the *ADR Officer's Report* shall be submitted to the Executive Director and Discipline Committee.

1.4.9.3 On completion of the report, the ADR Officer shall forward a copy of the *Report of Violation* and *Investigation Report* to the Executive Director. The Executive Director will then record the decision and action and/or refer the matter to *The Disciplinary Hearing* by the Discipline Committee.

1.5 DISCIPLINARY ACTIONS

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1.5.1 Intent (Purpose)

- 1.5.1.1 Disciplinary actions are determined on a case-by-case basis and in consideration with the Member's past record.
- 1.5.1.2 Disciplinary action shall be considered as a constructive process for the purpose of correcting inappropriate behaviour. In most instances, disciplinary actions should consist of the least severe action to accomplish this purpose.

1.5.2 Appeals procedure

- 1.5.2.1 Except where otherwise provided, the decision of the Discipline Committee may be appealed in accordance with the *Appeal Policy*.

1.5.3 Disciplinary actions for a minor infraction

- 1.5.3.1 Disciplinary actions for minor infractions must clearly explain to the individual what error has been made prior to disciplinary action. Disciplinary action may include the following:
 - a) receive a verbal or written reprimand;
 - b) be required to give a verbal or written apology;
 - c) be required to complete service or other voluntary contribution to RGA; or
 - d) complete any other disciplinary action considered appropriate for the infraction.

1.5.4 Disciplinary actions for major infractions occurring within competitions or recreational events

- 1.5.4.1 Major infractions occurring within competition/event (or associated travel) may be dealt with immediately, if necessary, by the appropriate person having authority.
- 1.5.4.2 The individual being disciplined shall be told the nature of the infraction and shall have an opportunity to provide information concerning the incident. In such situations, disciplinary actions shall be for the duration of the event only.
- 1.5.4.3 A *Report of Violation* must be submitted by the individual handling the situation within three (3) days of the incident. Further disciplinary actions may be applied but only after review of the matter by the Executive Director to determine if a Disciplinary Hearing is required.

1.5.5 Disciplinary actions for an investigated major infraction

- 1.5.5.1 Unless the Discipline Committee decides otherwise, any disciplinary action shall commence immediately. Failure to comply with the disciplinary action shall result in automatic suspension of membership or participation in RGA activities until such time as the disciplinary action is complied with.
- 1.5.5.2 The Discipline Committee may apply the following disciplinary actions separately or in combination for major infractions:
 - a) written reprimand;
 - b) removal of certain privileges of membership;
 - c) suspension from certain events which may include suspension from the current competition or from future teams or competitions for a designated period of time;
 - d) suspension from certain RGA activities such as competing, coaching or judging for a designated period of time;
 - e) suspension from all RGA activities for a designated period of time;

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- f) expulsion from membership for a designated period of time, which automatically revokes insurance coverage;
- g) publication of the decision;
- h) monetary fines; or
- i) other penalty as may be considered appropriate for the offense.

1.5.5.3 In determining the appropriate disciplinary action, the Discipline Committee will consider the following aggravating or mitigating circumstances:

- a) the nature and severity of the infraction;
- b) the extent to which others have been harmed by the infraction;
- c) the cooperation of the Respondent in the proceedings under this policy;
- d) whether the incident is a first offense or has occurred repeatedly;
- e) the Respondent's acknowledgement of responsibility;
- f) the Respondent's remorse and post-infraction conduct;
- g) the age, maturity or experience of the Respondent;
- h) whether the Respondent retaliated, where the incident involves harassment; and
- i) the Respondent's capacity to comply to the disciplinary actions.

1.6 APPEALS POLICY

1.6.1 Intent (Purpose)

1.6.1.1 Except where otherwise provided, the decision of the Discipline Committee may be appealed in accordance with this *Appeals Policy*.

1.6.2 Scope of an appeal

1.6.2.1 Any Member who is affected by a disciplinary decision of the Discipline Committee, Board of Directors, or by any individual who has been delegated authority to make such a decision, shall have the right to appeal that decision, provided there are sufficient grounds for the appeal.

1.6.2.2 This policy shall not apply to matters relating to the technical rules of the sport of rhythmic gymnastics, which may not be appealed, nor to infractions for doping offenses which have their own appeal provisions separate from RGA.

1.6.3 Timing of an appeal

1.6.3.1 Members who wish to appeal a decision shall have twenty-one (21) day from the date on which they received notice of the decision, to submit in writing notice of their intention to appeal, grounds for the appeal and a summary of the evidence which supports these grounds, to the Executive Director.

1.6.3.2 Any party wishing to initiate an appeal beyond the twenty-one (21) day period must provide a written request stating reasons for an exemption. The decision to allow, or not allow an appeal outside the twenty-one (21) day period shall be at the sole discretion of the Executive Director.

1.6.3.3 If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Appeals Panel may direct that these timelines be revised.

1.6.4 Grounds for an appeal

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- 1.6.4.1 A decision cannot be appealed, nor can an appeal be heard, on the merits of the decision. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are limited to the Respondent:
- a) making a decision for which it did not have authority or jurisdiction as set out in *RGA's Policies and Procedures*;
 - b) failing to follow procedures as laid out in the *By-Laws* or approved policies of RGA; or
 - c) making a decision, which was influenced by bias.

1.6.5 Screening of an appeal

- 1.6.5.1 Within seven (7) days of receiving the notice and grounds of an appeal, the Executive Director shall determine whether there are sufficient grounds for the appeal. In the absence of the Executive Director, the President of the Board of Directors shall perform this function.
- 1.6.5.2 If the appeal is denied on the basis that it has no grounds, the Appellant shall be notified of this decision within seven (7) days of making the decision, in writing, giving reasons. This decision is at the sole discretion of the Executive Director, or designate, and may not be appealed.

1.6.6 Appeals Panel

- 1.6.6.1 If the Executive Director, or designate, is satisfied that there are sufficient grounds for an appeal, within twenty-one (21) days of having received the original notice of appeal the Executive Director shall establish an Appeals Panel as follows:
- a) the panel shall be comprised of three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the decision being appealed, and shall be free from any other actual or perceived bias or conflict; and
 - b) the panel's members shall select from themselves a Chairperson.

1.6.7 Preliminary conference

- 1.6.7.1 The Appeals Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters, which may be considered at a preliminary conference, include:
- a) format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
 - b) timelines for exchange of documents;
 - c) clarification of issues in dispute;
 - d) clarification of evidence to be presented to the panel;
 - e) order and procedure of the Discipline Hearing;
 - f) identification of witnesses; and
 - g) any other procedural matter, which may assist in expediting the appeal proceedings.
- 1.6.7.2 The Appeals Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

1.6.8 Procedure for the Disciplinary Hearing

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- 1.6.8.1 Where the Appeals Panel has determined that the appeal shall be held by way of an oral Hearing, the panel shall govern the Disciplinary Hearing by such procedures as it deems appropriate, provided that:
- a) the Hearing shall be held within twenty-one (21) days of the panel's appointment;
 - b) the Appellant and Respondent shall be given ten (10) days written notice of the date, time and place of the Hearing;
 - c) a quorum shall be all three panel members;
 - d) decisions shall be by majority vote, where the Chairperson carries a vote;
 - e) if the decision of the panel may affect another party to the extent that the other party would have recourse to an appeal in their own right, that party shall become a party to the appeal in question;
 - f) a representative or advisor, including legal counsel may accompany any of the parties; and
 - g) the panel may direct that any other person participate in the appeal.
- 1.6.8.2 In order to keep costs to a reasonable level the Appeals Panel may conduct the appeal by means of a telephone or video conference.

1.6.9 Procedure for Documentary Appeal

- 1.6.9.1 Where the Appeals Panel has determined that the appeal shall be held by way of documentary evidence, it shall govern the appeal by such procedures as it deems appropriate provided that all parties are given an opportunity to:
- a) provide written submissions to the panel;
 - b) review written submissions of the other parties; and
 - c) provide written rebuttal.
- 1.6.9.2 As a general rule, the Appeals Panel shall only consider that evidence which was before the original decision-maker. At its discretion the panel may hear new evidence which is material and which was not available at the time of the original decision.

1.6.10 Appeal decision

- 1.6.10.1 Within fourteen (14) days of concluding the appeal, the Appeals Panel shall issue its written decision, with reasons. In making its decision, the panel shall have no greater authority than that of the original decision-maker. The panel may decide:
- a) to confirm the decision being appealed; or
 - b) to vary the decision where it is found that an error occurred.
- 1.6.10.2 A copy of this decision shall be provided to each of the parties and to the Executive Director.

1.6.11 Location

- 1.6.11.1 Any Disciplinary Hearing shall take place, unless held by way of telephone conference call or equivalent technology, at a location agreed to by all parties involved.

1.6.12 Final and binding

- 1.6.12.1 The decision of the Appeals Panel shall be final and binding on the parties and on all Members.

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