



TAEKWONDO CANADA

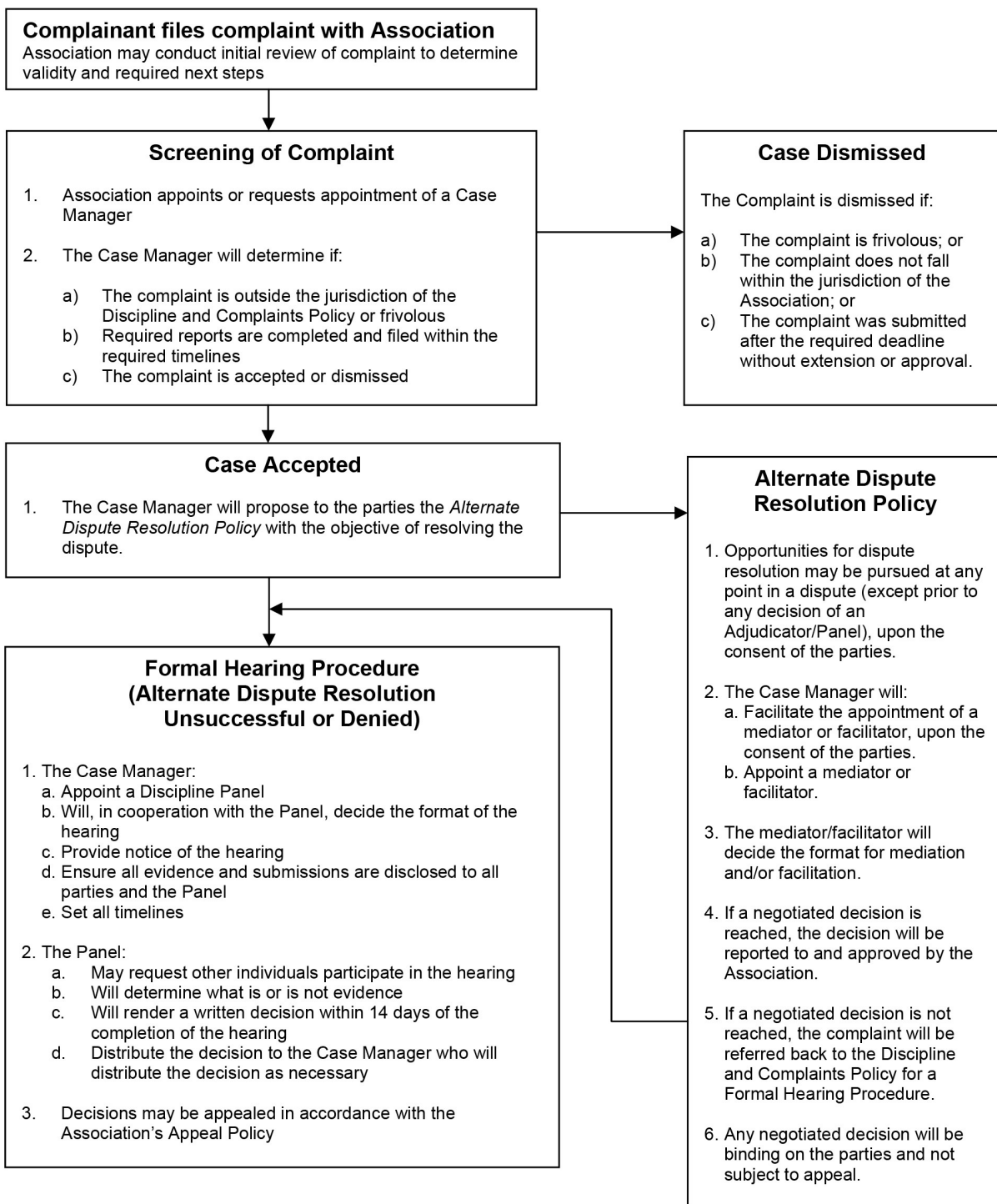
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Complaints Policy

Revision History

Approved/Reviewed /Revised/Rescinded	Date	Comments
Initial Policy Approval	5 Nov 2018	
Update	6 April 2020	Clarified policy jurisdiction (p.4), Updated alignment and alignment procedures, introduced position of Safe Sport Officer, noted that decisions resulting in suspension or expulsion will be posted on the website, standardized response periods (14 days), updated Case Manager position description, identified TC's Safe Sport Officer.

Discipline and Complaints Policy Flowchart



The Safe Sport Officer is an alternate point of contact for Individuals wishing to make a complaint under the Association's Code of Conduct, Workplace Harassment and Human Rights Policy, or other policies.

Taekwondo Canada

Complaints Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Association*” – Taekwondo Canada
 - b) “*Case Manager*” – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Discipline and Complaints Policy. The Case Manager will comply with the position description described in Appendix “A”
 - c) “*Complainant*” – The Party alleging an infraction
 - d) “*Days*” – Days including weekend and holidays
 - e) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, teams as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and, directors and officers of the Association
 - f) “*In writing*” – A letter, statement or email sent directly to the Association.
 - g) “*Respondent*” – The alleged infracting Party

Purpose

2. Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Association’s policies, bylaws, rules and regulations, and *Codes of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

Scope and Application of this Policy

3. This Policy applies to all Individuals relating to matters that may arise during the course of the Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.
4. This Policy also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this Policy will be determined by the Executive Director at his or her sole discretion or by a board member at his or her sole discretion should the Executive Director be named in the complaint.
5. This Policy does not prevent immediate remedial action from being applied during a competition or event. Further discipline may be applied according to this Policy as reasonably required. 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.
6. An employee of the Association who is a Respondent will be subject to appropriate disciplinary action subject to any of the Association’s policies, as well as the employee’s Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Alignment

The Association recognizes that Registrants are also registered with Provincial/Territorial Organizations and/or Member Clubs (collectively, “P/TSOs”) and may be subject to discipline by those P/TSOs.

7. If a P/TSO believes its disciplinary action (up to and including suspension or expulsion) against a Member should result in Taekwondo Canada taking parallel action against that Member, the P/TSO may submit a written request asking Taekwondo Canada to review and adopt its decision.
8. In support of its request, the P/TSO must:
 - a. provide Taekwondo Canada with its complete, unredacted disciplinary file for review, including all relevant documents, witness statements and other relevant materials from any related investigations (“discipline file”);
 - b. agree to abide by and adopt Taekwondo Canada’s decision, even if it differs from the P/TSO’s original disciplinary decision; and
 - c. submit a initial review fee of \$1500 to Taekwondo Canada. As the entire case must be reviewed, any costs exceeding the \$1,500 review fee will also be the responsibility of the P/TSO.
9. Alternatively, if a Registrant is subject to disciplinary action by a P/TSO and wishes Taekwondo Canada to review the decision, the Registrant may submit a written request asking Taekwondo Canada to review the decision and deem it to be of no force and effect for the purposes of Membership in Taekwondo Canada. The Member must submit a review fee of \$1500, which fee will be reimbursed in the event the requested review is decided in the Member’s favour.
10. A Case Manager retained by Taekwondo Canada will appoint a Panel to review the P/TSO’s discipline file. The Panel will determine whether to support or reverse the underlying decision of the P/TSO.
11. If the Case Manager supports the P/TSO decision, then Taekwondo Canada will impose the same penalty against the Member at a national level.
12. If the Case Manager does not support the P/TSO decision, the resulting penalty will not be enforced by Taekwondo Canada and the Member will be permitted to register with Taekwondo Canada directly.

Adult Representative

13. 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.
14. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor’s representative.
15. A minor is not required to attend an oral hearing, if held.

Reporting a Complaint

16. Any Individual may report an incident or complaint to the Association in writing, within fourteen (14) days of the alleged incident, except in the case of a criminal offence, where the timeline is waived. The 14-day timeline can be waived at the discretion of the Case Manager/Safe Sport Officer.
17. Complaints should be submitted to:

Executive Director:
Email: ed@taekwondo-canada.com

President:
Email: president@taekwondo-canada.com

18. Any Individual may alternatively report an incident or complaint to the Association's Safe Sport Officer in writing, (can be initiated with a phone call as well – found on the Association's Website) within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Safe Sport Officer's discretion.
19. A Complainant wishing to file a complaint outside of the 14 days must provide a written statement giving reasons for requesting an exemption to this limitation. The decision to accept or deny the complaint outside of the 14 days will be at the sole discretion of the Safe Sport Officer/Case Manager. This decision may not be appealed.
20. At the Executive Director's or delegate's discretion, the Association may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.
21. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.
22. Within five (5) days of submission, the complainant will receive acknowledgment of the submitted complaint.
23. Upon receiving a complaint, the Association will review the complaint to determine validity and required next steps.

Process

24. Upon the receipt and review of a complaint, the Association may, at its sole discretion, appoint or request the appointment of an independent Case Manager to manage and administer complaints submitted in accordance with this Policy and such appointment is not appealable.
25. The Case Manager has a responsibility to:
 - a) Determine whether the complaint is within the jurisdiction of this Policy or frivolous;
 - b) Propose the use of the Association's Alternate Dispute Resolution Policy;
 - c) Appoint the Discipline Panel, if necessary;
 - d) Coordinate all administrative aspects and set timelines;
 - e) Provide administrative assistance and logistical support to the Panel as required;
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
26. The Case Manager may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In this case, the Discipline Chair may appoint a neutral Investigator to further investigate such elements.

Procedures

27. 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 the complaint is accepted and the applicable next steps.

28. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
29. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.
30. After notifying the Parties that the complaint has been accepted, the Case Manager will first, propose the Association's Alternate *Dispute Resolution Policy* with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
31. 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, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, 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, an oral hearing by telephone or other telecommunications;
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing and/or decision rendered;
 - c) The Parties may be accompanied by 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 anything 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.
32. 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 disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
33. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
34. If a decision affects a 3rd party to the extent that the 3rd party would have recourse to a complaint or an appeal in their own right, that 3rd party will become a party and a part of the complaint procedure to the complaint in question and will be bound by the decision.
35. In fulfilling its duties, the Panel may obtain independent advice.

Decision

36. 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 the Association. 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

37. The 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 the Association;
- d) Removal of certain privileges;
- e) A requirement for additional training
- f) Referral to an assistance program
- g) Reassignment or relocation
- h) Report to a professional body
- i) Suspension from certain teams, events, and/or activities;
- j) Suspension from all Association activities for a designated period of time;
- k) Withholding of prize money or awards;
- l) Payment of the cost of repairs for property damage;
- m) Suspension of funding from the Association or from other sources;
- n) Expulsion from the Association;
- o) Legal action
- p) Any other sanction considered appropriate for the offense.

In addition to the above, employees, directors, and officers of the Association may be subject to the following disciplinary sanctions:

- Suspension (with or without pay)
- A "last-chance" agreement or behavioural contract
- Termination of employment or contractual relationship

38. Where a complaint against a member of the Board of Directors investigated under 7.3 has been substantiated, that Director shall immediately resign their seat on the Board.

39. 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 automatic suspension until such time as compliance occurs. Additional sanctions may also be applied in such cases.

40. Records of all sanctions will be maintained by the Association.

Suspension Pending a Hearing

41. The Executive Director or Case Manager may, at their sole discretion, determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Discipline Panel.

Criminal Convictions

42. An Individual's conviction for a *Criminal Code* offense, as determined by the Association, will be deemed an infraction under this Policy and will result in expulsion from the Association. Such 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

43. 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

44. 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

45. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, etc., may be advised of any decisions rendered in accordance with this Policy. Further, a discipline decision relating to the suspension or expulsion of a member will be posted on-line and made available to the public via Taekwondo Canada's website.

Appeals Procedure

46. The decision of the Panel may be appealed in accordance with the Association's *Appeal Policy*.

Appendix A

CASE MANAGER POSITION DESCRIPTION

Purpose

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

Policies

2. The following Policies require the appointment of a Case Manager:
 - a) Complaints (formerly Discipline and Complaints)
 - b) Appeal
 - c) Alternate Dispute Resolution Policy

Identity

3. The Case Manager, whether or not appointed by the Association at its sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.
4. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

Discretion - Complaints

5. When a complaint is filed, the Case Manager is required to:
 - a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy;
 - b) Propose the use of the Association's Alternate Dispute Resolution Policy;
 - c) Appoint the Panel, if necessary;
 - d) Coordinate all administrative aspects and set timelines;
 - e) Provide administrative assistance and logistical support to the Panel as required;
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

Discretion – Extension of Time

6. When an individual seeks to file a complaint beyond 14 days of the alleged incident, the Case Manager is required to:
 - a) Consider the written statement submitted by the individual in support of the request; and
 - b) Make a decision whether to accept or deny the complaint within 14 days of receiving the request.

Discretion - Appeals

7. When an appeal is filed, the Case Manager is required to:
 - a. Propose the use of the Association's Alternate Dispute Resolution Policy;
 - b. Determine if the appeal falls under the scope of the Appeal Policy;
 - c. Determine if the appeal was submitted in a timely manner;
 - d. Decide whether there are sufficient grounds for the appeal;
 - e. Appoint the Panel, if necessary;

- f. Coordinate all administrative aspects and set timelines;
 - g. Provide administrative assistance and logistical support to the Panel as required;
 - h. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
8. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternate Dispute Resolution

9. When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager may be required to:
- a) Appoint the mediator or facilitator;
 - b) Coordinate all administrative aspects and set timelines;
 - c) Provide administrative assistance and logistical support to the mediator or facilitator as required.

Discretion – Hearing Format

10. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, but are not limited to: a) In person;
- a. Conference call;
 - b. Written submissions;
 - c. Conference call plus written submissions.
11. In determining the format of the hearing, the Case Manager should consider:
- a) The distance between the parties;
 - b) The animosity between the parties;
 - c) The time commitment and location of the Panel;
 - d) The timelines for a decision;
 - e) The language barriers between the parties;
 - f) The gravity of the complaint/appeal.

Panel Appointment

12. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:
- a) Experience in dispute resolution;
 - a. Experience with sport disputes;
 - b. No connection to either party;
 - c. Decisive.
13. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.

Communication

14. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines

set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.

15. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

Suggested Procedure

16. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:
 - a) Receive the written complaint or appeal;
 - b) Communicate with the Complainant/Appellant that she or he has been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, and if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel);
 - c) Determine whether the complaint is within the jurisdiction of the applicable Policy;
 - d) Notify the Respondent that he or she is the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel);
 - e) The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence;
 - f) Appoint the Panel;
 - g) Conduct a hearing either via written documentation, teleconference, in-person, or a combination of these techniques;
 - h) Ensure the Panel renders a written decision within a prescribed timeline.

Appendix B

SAFE SPORT OFFICER POSITION DESCRIPTION

The Safe Sport Officer is an independent third party who will guide you through the complaints process and/or explore other options as appropriate. They are a qualified and experienced independent workplace harassment resource and investigator who is familiar with Taekwondo policies and procedures, as well as human rights and employment legislation.

The Safe Sports Officer provides an option for Individuals to escalate and address issues. At any time, Individuals are able to contact Taekwondo Canada directly with complaints if they prefer to do so.

The Safe Sport Officer is empowered to supersede Taekwondo Canada staff and launch appropriate policies as required based on evidence or a situation reported. Your contact with the Safe Sport Officer is confidential, subject to certain legal limits.

The Safe Sport Officer's mandate includes, but is not limited to:

- a) Except with prior consent of the complainant, maintaining confidentiality regarding the identity of the complainant(s) and the specific details of the complaint, unless otherwise required by law.
- b) Responding to emails and phone calls received by parties about abuse, harassment, bullying, and discrimination.
- c) Following up with complainant(s) as appropriate in order to learn more about the situation. The Safe Sport Officer will make efforts to respond to all complaints within 24 hours after being advised of the situation.
- d) Conducting a preliminary review and assessing the situation against applicable policies, legal frameworks, and best practices. The results of such a preliminary review are highly variable but may include:
 - I. Referring the complainant to police or child protection authorities.
 - II. Referring the complainant to the club or the PSO.
 - III. Referring the complainant to other procedures, recourses or appeals.
 - IV. Suggesting other counselling or support to the complainant.
 - V. Assisting the complainant to deal with the situation directly.
 - VI. Supporting the complainant to come forward with a formal complaint.
 - VII. Recommending to the Executive Director that the Association proceeds directly to an investigation
 - VIII. Assisting the Executive Director to obtain appropriate external investigation support
 - IX. Liaising with the assigned investigator as appropriate.
 - X. Exploring informal resolution or other alternative dispute mechanisms.
 - XI. Other solutions as deemed necessary

Taekwondo Canada's Safe Sport Officer may be contacted at:

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