

SASKATCHEWAN HIGH SCHOOLS ATHLETIC ASSOCIATION (SHSAA)

DISCIPLINE AND COMPLAINTS POLICY FLOWCHART

All complaints are to be reported to Sask Sport's identified Independent Third-Party for complaint reporting/handling, and will be screened by the Independent Third Party (ITP) to determine next steps. Prior to determining whether a Complaint Resolution Officer or Case Manager/External Discipline Panel should be appointed, the ITP may propose use of Alternative Dispute Resolution techniques to resolve the dispute.

Complainant files complaint to Independent Third Party

(May be referred by OSIC, PSO/Club, or SSI)

Screening of Complaint (Section 18)

ITP (Independent Third Party) will determine if:

- The complaint is outside the jurisdiction of the Discipline and Complaints Policy or frivolous
- Propose the use of alternative dispute resolution
- Determine if the alleged incident should be formally investigated and/or
- Choose which process (Section 20 or Section 21) should be followed

Complaint Contains Less Severe Allegations (Section 20)

Referral to Complaint Resolution Officer (CRO)

- ITP and PSO appoint a Complaint Resolution Officer
The Complaint Resolution Officer will:
(Sections 31-38)
 - Ask the Complainant and the Respondent for written submissions regarding the complaint or incident
 - If the CRO deems necessary, convene the parties to a meeting, either in person or video or teleconference to gather additional information

Decision

- Thereafter, the CRO shall determine if a breach occurred and, if so, if one or more sanctions should be applied (Section 35)
- If Respondent is a staff person of the association, the CRO may refer to association's Human Resource Policies to determine appropriate sanctions (Section 6)

Complaint is Resolved

Outcomes and those implications are communicated to parties, organizations and individuals (Sections 52-53)

Long-term suspensions, of 1 year or more, must be reported to Sask Sport to be added to long-term suspension listing

Complaint Contains Severe Allegations (Section 21)

Handled by Case Manager

- Following the determination that the complaint or incident should be handled under Process #2, the Independent Third Party will work with PSO to select a Case Manager (suitable options are listed on SSI website)

The Case Manager has a responsibility to:

- Appoint an External Discipline Panel (who should be one arbitrator, or a Panel of three people in certain circumstances at the Case Manager's discretion. Arbitrators shall have experience with sport disputes and who is not in a conflict of interest)
- Coordinate all administrative aspects and set timelines
- Provide administrative assistance and logistical support to the External Discipline Panel as required
- Provide any other service or support that may be necessary to ensure a fair and timely proceeding
- In cooperation with the External Discipline Panel, will decide the format under which the complaint will be heard

Alternative Dispute Resolution Policy

- ADR may be pursued at any point in a dispute upon the consent of the parties
- The Independent Third Party will:
 - Facilitate the appointment of a facilitator or mediator with consent of parties
 - Appoint a mediator or facilitator
- The mediator/facilitator will decide the format for mediation/facilitation
- If a negotiated settlement is reached, the settlement will be reported to the Association (Safe Sport Liaison)
- If a negotiated settlement is not reached, the complaint will be referred back to the Independent Third Party for next steps
- Any negotiated settlement will be binding on the parties and not subject to appeal

Decision (Sections 50-56)

- After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanction(s) to be imposed (Sections 57-65)
- If the Respondent is a staff person of the association, the External Discipline Panel may refer to the association's Human Resource Policies to determine appropriate sanctions (Section 6)
- The decision will be considered a matter of public record unless decided otherwise by the External Discipline Panel (Sections 52-53)

SASKATCHEWAN HIGH SCHOOLS ATHLETIC ASSOCIATION (SHSAA)

DISCIPLINE AND COMPLAINTS POLICY

Effective date	JUNE 18, 2024
Archived date	-
Date last reviewed	JUNE 18, 2024
Scheduled review date	JUNE, 2025
Replaces and/or amends	N/A
Approved by and date	SHSAA Board of Directors, JUNE 18, 2024
Appendix(-ces) to this Policy	-

Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, bylaws, rules and regulations of SHSAA and those of its Members, as applicable and as amended from time to time. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

Application of this Policy

2. This Policy applies to all Individuals and to any alleged breaches of SHSAA policies, bylaws, rules or regulations.
3. This Policy applies to matters that may arise during the business, activities, and Events of SHSAA including, but not limited to, competitions, practices and training, evaluations, treatment or consultations (e.g., massage therapy), training camps, travel associated with SHSAA activities, and any meetings. Notwithstanding the aforementioned, any incidents that occur on the field of play shall be addressed pursuant to the [SHSAA Handbook](#), as amended from time to time, with the possibility of further disciplinary action being taken pursuant to this Policy if a Report is received pursuant to Section 15.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and Events of SHSAA when such conduct adversely affects SHSAA's relationships (and the work and sport environment) or is detrimental to the image and reputation of SHSAA, or upon the acceptance of SHSAA.
5. Without limiting the generality of the foregoing, this Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from high school sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in high school sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or Reports an incident that occurred at a time during which a different SHSAA policy was in force (i.e., *Code of Conduct and Ethics*, *Discipline and Complaints Policy*), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offense or breach of the policy has occurred, unless the panel hearing the matter determines that

the principle of *lex mitior*⁵ applies to the circumstances of the case; however, for such cases, this *Discipline and Complaints Policy* will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Independent Third Party at their sole discretion and shall not be subject to appeal.

6. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of SHSAA who is a Respondent to a Report may also be subject to consequences in accordance with the employee's employment agreement, if applicable, or SHSAA's human resources or other applicable policies.
7. SHSAA will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

Minors

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. Any Individual who Reports or brings a complaint on behalf of a Minor that involves known or suspected abuse, neglect or Maltreatment of a Minor that is not Reported to the Office of the Sport Integrity Commissioner (OSIC) pursuant to Sections 12-14 below must also Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.
9. Communication from the Independent Third Party, the Case Manager, Complaint Resolution Officer or discipline panel, as applicable, must be directed to the Minor's representative.
10. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
11. A Minor is not required to attend an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Reporting a Complaint

UCCMS Participants

12. Incidents that involve alleged Maltreatment or Prohibited Behaviour involving a UCCMS Participant must be reported to the OSIC and will be addressed pursuant to the OSIC's policies and procedures.
13. OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, at their sole discretion.

⁵ The principle of *lex mitior* means that, if the rule relevant to a breach of any policy has been amended, the less severe rule will apply.

14. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the Individual(s) that made the complaint of such action within seven days of referring the matter to the OSIC.

Individuals

15. Except for complaints between Saskatchewan Teachers Federation members,⁶ any complaints involving alleged breaches of SHSAA's policies that do not fall within Sections 12 or 13 above must be Reported in writing by an Individual (or Individuals) to the Independent Third Party within twenty-one (21) days of the occurrence of the incident through the online form on the Sask Sport website⁷. For the avoidance of doubt, this includes Reported complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in this Section 15. If SHSAA receives a complaint, it must immediately provide it to the Independent Third Party in a timely manner.
16. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential, the Independent Third Party may ask that SHSAA take carriage of the complaint and act as the Complainant pursuant to Section 22 below.⁸
17. If the Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.

Independent Third Party Responsibilities

18. Upon receipt of a Reported complaint from an Individual (or Individuals) or the OSIC, the Independent Third Party shall:
- a) determine whether the complaint falls within the jurisdiction of this Policy;
 - b) if it can be accepted pursuant to Section 15 above; and
 - c) whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.⁹

⁶ Complaints between Saskatchewan Teachers Federation members shall be managed through the STF Code of Professional Ethics.

⁷ This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within twenty-one (21) days of the occurrence of the incident.

⁸ In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

⁹ As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead. Generally, a frivolous complaint will have no serious purpose or value.

If the Reported complaint is not accepted by the Independent Third Party for any of the aforementioned reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is not accepted because it does not fall within the jurisdiction of this Policy but would fall within the jurisdiction of another sport's policy(ies), the Independent Third Party shall inform the Complainant(s) so that they may Report their complaint to the appropriate organization. If the Reported complaint is accepted by the Independent Third Party, the Independent Third Party shall proceed to make the determinations indicated in Sections 19-23 below and notify the Parties accordingly that the Reported complaint has been accepted.

19. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect or Maltreatment of a Minor that is not reported to the OSIC pursuant to Sections 12-14, they shall Report this to local child welfare services, the applicable social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the aforementioned obligation if the Individual making the complaint or filing the Report confirms in writing that they have already Reported to any such authorities.
20. The Independent Third Party shall direct a Reported complaint to be managed by the Complaint Resolution Officer appointed by SHSAA if the Complainant alleges that any of the following incidents have occurred:
 - a) Disrespectful conduct or behaviour
 - b) Minor acts of physical violence (i.e., pinching, shoving, intentionally blocking another person from their desired path, throwing an object at another person), unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will fall under Section 21 below
 - c) Conduct contrary to the values of SHSAA
 - d) Conduct that intentionally interferes with a competition or with any Student-Athlete's preparation for a competition
 - e) Non-compliance with SHSAA's policies, procedures, rules, or regulations
 - f) Minor violations of the *Code of Conduct and Ethics*, the *UCCMS*, *Social Media Policy*, or the *Student-Athlete Protection Policy*

*[Comment to Article 20: Where any of the above-mentioned **incidents occur on the field of play**, they shall be addressed through the policy/process applicable to the field of play incident, and by the individual with appropriate authority under that policy/process/sport specific rulebook/SHSAA amendments, subject to an Individual's right to file a Report regarding the incident pursuant to this Policy.]*

21. Subject to Section 14, the Independent Third Party shall direct a Reported complaint to be managed by a Case Manager appointed by SHSAA if the Complainant alleges that any of the following incidents have occurred:
 - a) Repeated incidents pursuant to Section 20
 - b) Abusive, racist, or sexist comments, conduct or behaviour
 - c) Any incident of hazing
 - d) Behaviour that constitutes Maltreatment, Prohibited Behaviour, Workplace Harassment or Harassment
 - e) Major incidents of physical violence (e.g., fighting, attacking)

- f) Pranks, jokes, or other activities that endanger the safety of others
 - g) Conduct that intentionally damages SHSAA's image, credibility, or reputation
 - h) Consistent disregard for SHSAA's bylaws, policies, rules, and regulations
 - i) Major or repeated violations of the *Code of Conduct and Ethics*, the *UCCMS*, *Social Media Policy*, or *Student-Athlete Protection Policy*
 - j) Intentionally damaging SHSAA's property or improperly handling the organization's monies
 - k) Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
 - l) A conviction for any *Criminal Code* offense
22. Notwithstanding any provision in this Policy, SHSAA may, at its discretion, or upon request by the Independent Third Party in accordance with Section 16, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. In such cases, SHSAA will identify an individual to represent the organization, unless SHSAA is acting as the Complainant pursuant to Section 16.
23. If multiple Individuals file a complaint against the same Respondent that include allegations regarding the same incident(s), the Independent Third Party may, with the consent of all Parties, consolidate the complaints into a single procedure.
24. In circumstances where a member organization of SHSAA fails to conduct disciplinary proceedings within a reasonable timeline in relation to a complaint that falls within its jurisdiction, is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the member organization does not have policies in place (or adequate policies in place) to address the complaint, SHSAA may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings in accordance with the policies in this Safe Sport Policy Manual.

Investigations and Assessments

25. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a Reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:
- a) Only if the Reported incident falls within Section 21 above;
 - b) In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy – Discrimination, Harassment and Maltreatment and Prohibited Behaviour*;
 - c) Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation (or, where there are several allegations, which allegations) should be heard by a discipline panel pursuant to this Policy because they constitute, if found to be true, a likely breach of the *Code of Conduct and Ethics*, the *UCCMS*, the *Social Media Policy*, the *Student-Athlete Protection Policy*, or any other relevant and applicable SHSAA policy, or whether the allegations are frivolous, vexatious or made in bad faith;¹⁰ and

¹⁰ Please see Footnote 9, modified accordingly for the circumstances of an investigation.

- d) For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

If the Independent Third Party considers that an independent investigation or assessment must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to this Policy; however, when an investigation is conducted and where it is necessary in the circumstances, a Provisional Suspension or interim measures may be imposed in accordance with Sections 26-28 below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 39 and below and shall inform the Parties and SHSAA.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 18, the matter shall proceed pursuant to Sections 39 and following below.

Provisional Suspensions

26. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Individual by the Executive Director or President of SHSAA (or their designate)¹¹ upon the recommendation of the Independent Third Party (except where there are time constraints)¹² after which further discipline or sanctions may be applied according to this Policy. SHSAA will communicate any decision to impose a Provisional Suspension or interim measures to the Parties involved and to any other Individual or organization that is required to receive such information in order to ensure that the Provisional Suspension or interim measure can be implemented as directed. This includes, without limitation, communicating such decisions to Members.
27. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Executive Director or President of SHSAA.¹³
28. Notwithstanding the above, SHSAA may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the discipline panel.
29. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or the discipline panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, SHSAA shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension

¹¹ The term 'designate' includes the person with authority to impose a Provisional Suspension according to the situation.

¹² Where there are time constraints, the Executive Director may impose a Provisional Suspension or interim measures against an Individual without seeking a recommendation from the Independent Third Party.

¹³ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under the *Code of Conduct and Ethics*.

lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measure against them.

30. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Complaint Handled by Complaints Resolution Officer

31. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer appointed pursuant to Section 20 above, the Independent Third Party shall encourage the Parties to attempt to resolve the matter through mediation pursuant to the *Dispute Resolution Policy*.¹⁴ If the Parties do not agree to pursue mediation, or if mediation is attempted but is unsuccessful, the Independent Third Party, in collaboration with the Safe Sport Liaison, will appoint a Complaint Resolution Officer.¹⁵ The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation with any of the Parties.

32. The Complaint Resolution Officer will ask the Complainant and the Respondent for written submissions (taking any accessibility requirements into consideration) regarding the Reported complaint or incident. Both Parties shall also have the right to submit to the Complaint Resolution Officer any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings).

33. Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. If the matter before the Complaint Resolution Officer involves a Complainant who wishes to keep their identity confidential, the Complaint Resolution Officer may redact documents as they consider reasonably necessary to protect the confidentiality of the Individual, but only to the extent that any redactions do not compromise the Respondent's procedural fairness rights. In the case of oral submissions, each Party shall have the right to be present when such submissions are made.

34. Following receipt of the Parties' submissions, the Complaint Resolution Officer may (but is not required to) convene the Parties to a meeting, either in person or by way of video or teleconference, in order to ask the Parties questions and/or, if permitted by the Complaint Resolution Officer, to allow the Parties to ask questions of one another.

35. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in Section 20 above have occurred and, if so, if one or more of the following sanctions should be applied:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to SHSAA

¹⁴ If mediation is not attempted, or is initially unsuccessful, the Parties are still permitted to resolve the dispute amicably through mediation at any time prior to a final decision being rendered by the Complaint Resolution Officer.

¹⁵ In order to ensure that the process advances in a timely manner, the Independent Third Party may proceed with the appointment of a Complaint Resolution Officer without collaborating with the Safe Sport Liaison if the matter is urgent or they are unable to obtain a recommendation from the Safe Sport Liaison within five (5) days of making the decision that the matter will be heard through the Complaint Resolution Officer process.

- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Suspension from certain activities for a designated period
- g) Any other sanction considered appropriate for the offense
- h) Education or training opportunities

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 20 above have occurred, they shall dismiss the Reported complaint.

- 36. The Complaint Resolution Officer will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Complaint Resolution Officer may render a short decision, either orally or in writing, followed by a written reasoned decision.
- 37. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of SHSAA, which shall be permitted to provide it to the relevant Member(s). Decisions will be kept confidential by the parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.
- 38. Any decision rendered by a Complaint Resolution Officer is final and not subject to appeal.

Handled by Discipline Panel Case Manager

- 39. If the Independent Third Party determines that the Reported complaint or incident falls within Section 21 above, SHSAA shall appoint an independent Case Manager to fulfil the responsibilities listed in Sections 40 and following. The Case Manager shall not be in a conflict of interest or have a direct relationship with any of the Parties.
- 40. The appointed Case Manager will have the responsibility to:
 - a) Propose and, where appropriate based on the circumstances, encourage the use of the *Alternate Dispute Resolution Policy*
 - b) Appoint the discipline panel, if necessary
 - c) Coordinate all administrative aspects and set timelines
 - d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of SHSAA
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

- 41. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

42. The Case Manager will propose and, if appropriate in the circumstances, encourage that the Parties use the *Alternate 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 *Alternate Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single arbitrator, to hear the Reported 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.
43. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.
44. 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 discipline panel determines procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible in order to ensure that costs to the Parties and SHSAA are reasonable
 - b) 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
 - c) 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
 - d) The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
 - e) The discipline panel may request that any other individual participate and give evidence at the hearing
 - f) If not a Party, SHSAA shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the discipline panel, SHSAA may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the panel to render its decision.¹⁶
 - g) The discipline panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The discipline panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
 - i) Where a discipline panel composed of three members is appointed, the decision will be by a majority vote

¹⁶ The purpose of this provision is not to provide SHSAA or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide SHSAA or a Member with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

45. 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.
46. The hearing may proceed if a Party chooses not to participate in the hearing.
47. 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 complaint, shall be permitted to participate in the proceedings as determined by the discipline panel and will be bound by the decision.
48. In fulfilling its duties, the discipline panel may obtain independent advice.
49. Facts established by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the disciplinary process, as allowable by applicable law.

Decision

50. 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. If the discipline panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
51. Within fourteen (14) days of the hearing's conclusion, the discipline panel's written decision, with reasons, will be distributed by the Case Manager to all Parties, the Independent Third Party, SHSAA's Safe Sport Liaison, and Sask Sport's Dispute Resolution Office. SHSAA may provide the discipline panel's decision to the relevant Member(s). 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.
52. Subject to Section 53 below, unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Sask Sport shall publish the outcome of the case on its website. Publication shall be limited to the provision(s) of the relevant policies that have been violated, the name of the Respondent(s) and the sanction(s) imposed, if any. Additionally, where SHSAA acts as the Complainant under Section 16 above, only SHSAA, and not the original Complainant, shall be identified as an involved Individual. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published by SHSAA or Sask Sport. Any decision in which an Individual is suspended for a period of one year or longer will be added to the Sask Sport long-term suspension registry.¹⁷
53. If the discipline panel dismisses the Reported complaint, its decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in

¹⁷ The Sask Sport long-term suspension registry is a password protected site that is accessible by provincial sport organizations in Saskatchewan only. The following information is included in the registry: first and last name of suspended Individual; the date of suspension, duration of suspension, expiry date of suspension, any other sanctions imposed, and name of the Individual's provincial sport organization.

Section 52 will be kept confidential by the Parties, the Case Manager, SHSAA, the relevant Member(s) and Sask Sport, and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.

54. Sask Sport will publish the outcome of the case as provided for in Sections 52 or 53, as applicable, by placing the required information on its website and shall leave the information up for the longer of one (1) month or the duration of the sanction.
55. The discipline panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the discipline panel. The discipline panel's decision will apply automatically to and must be respected by SHSAA and any Individuals involved.
56. The Case Manager shall communicate decisions rendered pursuant to this Policy to the SHSAA Safe Sport Liaison, the Parties, the Independent Third Party, and to Sask Sport. SHSAA may provide the discipline panel's decision to the relevant Member(s). Except where a decision is published in accordance with Section 52 or 53, decisions shall be considered confidential. Records of all decisions will be maintained by SHSAA in accordance with their respective privacy policies.
57. When the discipline panel imposes a sanction, the decision shall include, at a minimum, the following details:
- a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of SHSAA's policies, bylaws, rules or regulations that have been breached;
 - d) Which Party or organization is responsible for the costs of implementing any sanction;
 - e) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) Any reinstatement conditions that the Respondent must satisfy (if any);
 - g) Which organization is responsible for ensuring that the conditions have been satisfied; and,
 - h) Any other guidance that will assist the Parties to implement the discipline panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the discipline panel regarding the order so that it can be implemented or monitored appropriately.

Sanctions

58. When determining the appropriate sanction, the Complaint Resolution Officer or discipline panel (as applicable) will consider the following factors (where applicable):

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
- b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
- c) The respective ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process;
- f) Real or perceived impact of the incident on the Complainant, SHSAA, or the high school sport community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating or aggravating circumstances.

59. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.

60. The discipline panel may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice that an Individual has violated the *Code of Conduct and Ethics* or other policy and that more severe sanctions will result should the Individual be involved in other violations¹⁸
- b) **Education** - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics* or the UCCMS or other policy
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* or the UCCMS or other policy occur during the probationary period, this may result in additional disciplinary measures,

¹⁸ For greater clarity, where an Individual is given a warning, this information will be kept on their disciplinary record for as long as permitted by SHSAA's policies and practices regarding private and/or confidential information and it shall be disclosed on any screening disclosure form when requested.

including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period

- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of SHSAA. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of SHSAA
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

61. The discipline panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions
- c) While a Respondent has pending charges related to allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

62. An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of SHSAA. 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

63. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of SHSAA, any other Member, or any other sport organization that had authority over the Respondent.

64. Failure to comply with a sanction as determined by SHSAA will result in an automatic suspension from participation in the activities of SHSAA until such time as compliance occurs.
65. Records of all decisions will be maintained by SHSAA. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

OSIC Sanction

66. SHSAA acknowledges that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes will be implemented and respected within its jurisdiction once it receives appropriate notice of any sanction or measure.

Appeals

67. The decision of the discipline panel may be appealed in accordance with the *Appeal Policy*.

Confidentiality

68. The discipline and complaints process is confidential and involves only the SHSAA Safe Sport Liaison and relevant employees as determined by the Safe Sport Liaison, the Parties, the Independent Third Party, the investigator (if one is appointed), the Case Manager, the Complaint Resolution Officer, the discipline panel, the relevant Member(s), Sask Sport and any independent advisors to the discipline panel.
69. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 68 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless SHSAA is required to notify an organization such as Sask Sport or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
70. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party(ies) in breach.

Timelines

71. If the circumstances of the Reported complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the discipline panel may direct that these timelines be revised.

Privacy

72. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SHSAA's usual policies and practices regarding private and/or confidential information.
73. SHSAA, or any of its delegates pursuant to this Policy (i.e., the Independent Third Party, Complaints Resolution Officer, Case Manager, discipline panel), shall comply with SHSAA's usual policies and practices regarding private and/or confidential information in the performance of their services under this Policy.