

OVA DISCIPLINE AND COMPLAINTS POLICY

This is a Pan-Canadian Policy that has been amended by Volleyball Canada and the Ontario Volleyball Association in order to be consistent with the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)

Definitions

1. The following terms have these meanings in this policy:
 - a) **Abuse** – Maltreatment as defined below;
 - b) **Board** – the Board of Directors of Volleyball Canada and/or a Provincial/Territorial Association, as applicable;
 - c) **Boundary Transgressions** – as defined in the UCCMS, namely interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the Participant (s. 5.7);
 - d) **Case Manager** – a person appointed by Volleyball Canada or the OVA (as applicable) to administer certain Complaints under this Policy;
 - d.1) **Competitions Sanction Chart** – the “OVA Fines and Sanctions” appendix to the OVA Youth Competitions Manual, or the “Misconduct Sanction Scale” chart in the OVA Beach Handbook, as applicable;
 - e) **Complaint** – an expression of dissatisfaction made per Section 16 of this Policy;
 - f) **Complainant** – the party making a Complaint;
 - g) **Days** – “Days” refers to working days, not including weekends and holidays;
 - h) **Discipline Chair** – will be a Director of the Board of Volleyball Canada or a Provincial/Territorial Association, as applicable, or an Independent Third Party, or any person that is appointed to handle the duties of the Discipline Chair described in this policy;
 - i) **Discipline Panel** – the panel appointed by the Case Manager to decide the Complaint;
 - j) **Individuals** – refers to all categories of members and/or registrants defined in the Bylaws of Volleyball Canada and in the Bylaws of a Provincial/Territorial Association, as applicable, (Participants as defined in the UCCMS), as well as all people employed by, contracted by, or engaged in activities with or on behalf of, Volleyball Canada or a Provincial/Territorial Association including, but not limited to, employees, contractors, athletes, volleyball clubs, coaches, mission staff, referees, volunteers, managers, administrators, committee members, health care workers, parents or guardians, spectators, and directors and officers;
 - k) **Independent Third Party** – an independent individual or group with no professional or personal ties to Volleyball Canada or a Provincial/Territorial Association;
 - l) **Maltreatment** – as defined in the UCCMS, namely a volitional act or omission described in sections 5.2-5.6 of the UCCMS that results in harm or has the potential for physical or psychological harm and includes Psychological Maltreatment (s. 5.2), Physical Maltreatment (s. 5.3), Neglect (s. 5.4), Sexual Maltreatment (s. 5.5), and Grooming (s. 5.6);
 - m) **Minor** – as defined in the UCCMS, namely an individual under the age of 19;
 - m.1) **OVA** – Ontario Volleyball Association;
 - n) **Prohibited Behaviour** – as defined in the UCCMS, namely any conduct described in UCCMS section 5, including but not limited to Maltreatment;
 - o) **Provincial/Territorial Associations** – the provincial/territorial member governing bodies for volleyball in each province/territory;
 - p) **Respondent** – the party responding to the Complaint;

- q) **Temporary Measures** – may include but are not limited to: altering training schedules, providing or requiring supervision/chaperones, implementing contact limitations, implementing measures prohibiting one-on-one interactions and communications, and suspensions from participation in some or all aspects of sport activity;
- r) **UCCMS** – the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, Version 6.0, published on May 31, 2022 by the Sport Dispute Resolution Centre of Canada. Further detail is provided in paragraphs 3-6 below.

Purpose

- 2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, Bylaws, rules, and regulations, including the UCCMS, the OVA *PIA Policy*, and the OVA *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this policy.

Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)

- 3. The Universal Code of Conduct to Prevent and Address Maltreatment in Sport ([UCCMS](#)) is the core document that sets harmonized rules to be adopted by sport organizations that receive funding from the Government of Canada to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming, and safe, sport experiences.
- 4. Volleyball Canada formally adopted the UCCMS as a policy of Volleyball Canada in June 2022. The definition in the UCCMS (Appendix 1 Definitions) apply to this and all other Volleyball Canada policies as applicable.
- 5. Volleyball Canada entered into an agreement with the Sport Dispute Resolution Centre of Canada (SDRCC) in June 2022, for the enforcement of the UCCMS, including using the services of the Office of the Sport Integrity Commissioner (OSIC) and the Director of Sanctions and Outcomes (DSO) (the SDRCC Agreement).
- 5.1 As the OVA is an Adopting Organization (as defined in the UCCMS), the OVA has similarly agreed to use the services of OSIC and the DSO in accordance with the SDRCC Agreement, in respect of enforcement of the UCCMS.
- 6. If there is a conflict between a provision of the UCCMS and a provision of any other VC Policy or any OVA policy, the UCCMS prevails to the extent of the conflict.

Application of this Policy

- 7. This policy applies to all Individuals.
- 8. This policy applies to matters that may arise during the business, activities, and sanctioned events of Volleyball Canada and the OVA, including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational activities, and any meetings.
- 9. This policy also applies to Individuals' conduct outside of the business, activities, and sanctioned events of Volleyball Canada and the OVA when such conduct has the potential to cause harm to OVA member(s), or adversely affects the relationships or is detrimental, or has the potential to be detrimental, to the image and reputation of Volleyball Canada or the OVA. Such applicability will be determined by Volleyball Canada or the OVA, as applicable, at its sole discretion.

10. This policy does not prevent immediate discipline or sanction from being applied as reasonably required. Any infractions or Complaints occurring within a sanctioned 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, *unless otherwise stated in the Competitions Sanction Chart*. Further discipline may be applied in accordance with this policy.
11. An employee of Volleyball Canada or a Provincial/Territorial Association who is a Respondent may also be subject to appropriate disciplinary action per the applicable *Human Resources Policy*, as well as the employee's employment agreement, if applicable.

Alignment

12. Volleyball Canada and the Provincial/Territorial Associations recognize that Individuals may also be registered with both Volleyball Canada and a Provincial/Territorial Association. Volleyball Canada and the Provincial/Territorial Associations are required, pursuant to the *Reciprocity Policy*, to submit discipline decisions involving Individuals to the other organization with which the Individual may be registered, which may take further action at its discretion.
13. Volleyball Canada and/or the OVA may decide to take further action upon becoming aware of an Individual who has been disciplined by Volleyball Canada or a Provincial/Territorial Association, and if so, the Individual will be the Respondent to a Complaint initiated under the terms of this policy. Volleyball Canada or the OVA may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
14. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the OVA when deciding on the Complaint per the terms of this policy.

Minor's Representative

15. 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.
16. All communications, as applicable, must be directed to the Minor's representative.
17. A Minor is not required to attend an oral hearing, if held.

Reporting a Complaint

18. Any Individual may report a Complaint to Volleyball Canada or to the OVA, or the applicable Discipline Chair however, if a Complaint concerns the application of the UCCMS (e.g. a matter involving a Prohibited Behaviour, including Abuse/Maltreatment), the complaint must be made in accordance with section 22.
19. Any Individual may contact the Canadian Sports Helpline for advice, guidance, and resources on how to proceed/intervene appropriately in the circumstances. 1-888-837-7678 – info@abuse-free-sport.ca – <http://abuse-free-sport.ca/en/>
20. A Complaint made to the Executive Director or a staff member of the OVA will be forwarded directly to the Discipline Chair.

21. The Discipline Chair will determine the jurisdiction under which the Complaint (other than those reported pursuant to section 22) will be addressed and notify the Complainant and Volleyball Canada or the Provincial/Territorial Association, as applicable.
- 21.1 Should the Discipline Chair receive a Complaint involving a matter within the scope of the UCCMS, the Discipline Chair shall refer the Complaint to OSIC. OSIC shall determine the admissibility of such Complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and, where the parties do not meet the definition of a Participant, the matter may only proceed pursuant to OSIC's procedures with the express consent of the parties involved.
22. Any Complaint arising from the application of the UCCMS (*e.g.* matters concerning Prohibited Behaviours, including Abuse/Maltreatment) must be directed to OSIC. All processes required for the administration of the UCCMS will be addressed in accordance with the policies and procedures of OSIC and the DSO.
- 22.1 Any sanctions or measures imposed following a decision of the DSO will be implemented and respected by the OVA, once the OVA receives appropriate notice of any sanction or measure from the OSIC.
23. If the OSIC refers a Complaint made pursuant to section 22 to Volleyball Canada or the OVA, as the case may be, the Discipline Chair will deal with that Complaint in accordance with this policy.
24. Volleyball Canada's and/or the OVA's Discipline Chair or the OSIC, as applicable, may accept any Complaint at their sole discretion, as applicable.
25. Volleyball Canada and/or the OVA, as applicable, at its sole discretion, may act as the Complainant and initiate the Complaint process under the terms of this policy.

Complaint Process

26. Upon receipt of a Complaint, the Discipline Chair will:
 - a) Determine whether the Complaint is frivolous and/or within the jurisdiction of this policy;
 - b) Propose the use of alternate dispute resolution techniques, if appropriate; and
 - c) Choose which process should be followed, and may use the following examples as a general guideline:
 - c.1) Process #1 - the Complaint alleges:
 - i. Disrespectful comments or behaviour, other than actions defined in subparagraph 26 (c.2)(i);
 - ii. Disrespectful conduct;
 - iii. A single minor incident of physical contact (*e.g.* tripping, pushing, elbowing);
 - iv. Non-compliance with Volleyball Canada's and/or the OVA's by-laws, policies, procedures, rules, or regulations; or
 - v. Violations of the OVA *Code of Conduct and Ethics* that are not included in the definition of Prohibited Behaviour.

c.2) Process #2 - the Complaint alleges:

- i. Abusive, racist, or sexist comments, conduct or behaviour;
- ii. Repeated instances of incidents for which disciplinary action was taken in accordance with paragraph 26 (c.1);
- iii. Any incident of *hazing*, as defined in the OVA *Code of Conduct and Ethics*;
- iv. Any conduct included in the definition of Prohibited Behaviour;
- v. Pranks, jokes, or other activities that endanger the safety of others,
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition,
- vii. Conduct that intentionally damages the image, credibility, or reputation of Volleyball Canada and/or a Provincial/Territorial Association,
- viii. Repeated or aggravated instances of non-compliance with Volleyball Canada or OVA by-laws, policies, rules, and regulations, including the OVA *Code of Conduct and Ethics*;
- ix. Intentionally damaging the property or improperly handling monies of Volleyball Canada and/or the OVA;
- x. Abusive use of alcohol or cannabis, any use or possession of alcohol or cannabis by minors, or use or possession of illicit drugs,
- xi. Any possession or use of banned performance enhancing drugs or methods, or
- xii. A conviction for any *Criminal Code* offence.

27. If the Discipline Chair determines the Complaint is frivolous or outside the jurisdiction of this policy, the Discipline Chair will dismiss the Complaint immediately, subject to section 21.1.

28. The Discipline Chair's decision to accept or dismiss the Complaint may not be appealed.

29. In carrying out their duties, the Discipline Chair may obtain advice and/or assistance from staff or other individuals.

Process #1: Handled by Discipline Chair

30. The Discipline Chair shall ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint or incident, and may do any or all of the following:

- a) convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions;
- b) carry out further investigations as necessary; or
- c) move a matter to Process 2 if circumstances warrant.

31. If the Respondent acknowledges the allegations in the complaint, or does not provide a response to the allegations, the Discipline Chair will make the determinations set out in section 32.

Decision and Sanctions

32. Thereafter, the Discipline Chair will determine if a breach occurred, and, if so, it may apply one or more of the following sanctions:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to the Volleyball Canada or to a Provincial/Territorial Association;
- d) Removal of certain privileges;
- e) Suspension from certain teams, events, and/or activities;
- f) Suspension from all the activities of Volleyball Canada or a Provincial/Territorial Association for a designated period; or
- g) Any other sanction considered appropriate for the offence.

32.1 Unless the Discipline Chair decides otherwise, any sanctions will begin immediately, notwithstanding an appeal. If the Respondent fails to comply with a sanction applied in accordance with section 32, the Respondent will be automatically suspended until such time as compliance occurs.

33. The Discipline Chair will inform the parties of the decision, and the decision will be considered a matter of public record, unless decided otherwise by the Discipline Chair.

Process #2: Handled by Case Manager and Discipline Panel

34. If the Discipline Chair determines that the Complaint should be dealt with under Process #2, a Case Manager, who must be an Independent Third Party, will be appointed. If the Discipline Chair is an Independent Third Party, the Discipline Chair may act as Case Manager.

The Case Manager will:

- a) Propose the use of alternate dispute resolution techniques, if appropriate;
- 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; and
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

35. The Case Manager will establish timelines that ensure procedural fairness and that the matter is heard. The Case Manager may agree to an extension with notice and reasoning to both the Complainant and Respondent.

36. If the Case Manager proposes the use of alternate dispute resolution to the Complaint, and if the dispute is not resolved, or if the Complainant and the Respondent refuse to attempt alternate dispute resolution (such as mediation or a negotiated settlement) the Case Manager will appoint a Discipline Panel, which will consist of a single arbitrator, to hear the Complaint. 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.

37. 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.
38. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium.
 - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all parties, through the Case Manager, in advance of the hearing.
 - c) The parties may engage a representative, advisor, or legal counsel at their own expense.
 - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing.
 - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the Complaint, but may exclude such evidence that is unduly repetitious, and will place such weight on the evidence as it deems appropriate.
 - f) The decision will be by a majority vote of the Discipline Panel, if there are three persons on the Discipline Panel.
39. 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.
40. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
41. If a decision may affect another party to the extent that the other party would have recourse to a Complaint or an appeal in their own right, that party will become a party to the current Complaint and will be bound by the decision.
42. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

43. 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 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 to Volleyball Canada and the OVA. 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 14- day period. The Discipline Panel and Independent Case Manager may agree to an extension with notice to the Complainant and Respondent.
44. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

45. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to Volleyball Canada or a Provincial/Territorial Association;
- d) Removal of privileges;
- e) Suspension from teams, events, and/or activities;
- f) Suspension from activities for a designated period;
- g) Payment of the cost of repairs for property damage;
- h) Suspension of funding and/or programs;
- i) Expulsion from the OVA; or
- j) Any other sanction considered appropriate for the offence.

46. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. If the Respondent fails to comply with a sanction as determined by the Discipline Panel, the Respondent will be automatically suspended until such time as compliance occurs.

Record of Decisions

47. Records of all decisions will be maintained by the OVA; the OVA will submit all records to Volleyball Canada, which will maintain a national record of all decisions made. All records will be maintained in accordance with Volleyball Canada's and the OVA's *Privacy Policy*, as applicable.

Appeals

48. Either party may appeal a decision of the Discipline Chair in accordance with the OVA *Appeal Policy*.

49. Either party may appeal the decision of the Discipline Panel in accordance with the OVA *Appeal Policy*.

Suspension Pending a Hearing

50. Volleyball Canada or the OVA (the Executive Director and/or Discipline Chair), as applicable, may determine at any time that a Complaint is of such seriousness as to warrant suspension of **and/or the application of Temporary Measure(s)** to an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Chair or Discipline Panel.

50.1 A suspension and/or Temporary Measure(s) issued in accordance with paragraph 50 may not be appealed, and shall be effective immediately upon notice, unless stated otherwise, and may be modified at any time.

50.2 A suspension or Temporary Measure(s) issued in accordance with paragraph 50 will remain in effect until Volleyball Canada or the OVA, as applicable, expressly removes the suspension and/or Temporary Measure(s), or such suspension or Temporary Measure(s) is terminated by a decision of the Discipline Chair / Discipline Panel.

Criminal Convictions

51. An Individual's conviction for a Criminal Code offence, as determined by Volleyball Canada or the OVA, will be deemed an infraction under this policy and will result in expulsion from Volleyball Canada or the OVA. Criminal Code offences may include, but are not limited to:
- a) Any child pornography offences;
 - b) Any sexual offences;
 - c) Any offence of assault; or
 - d) Any offence involving trafficking of illegal drugs and/or performance-enhancing drugs.

Confidentiality

52. The discipline and Complaints process is confidential and involves only Volleyball Canada, the applicable Provincial/Territorial Association(s), the parties, the Case Manager, the Discipline Chair or Discipline Panel, as applicable, and any independent advisors to the Discipline Chair / 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.

Communication

53. Volleyball Canada and the OVA will identify those persons within their respective organizations who will be responsible for implementing this policy.

Review and Amendment

54. All significant amendments to this policy will be submitted to Volleyball Canada for review by its *ad hoc* committee on policies.
55. This policy will be reviewed by Volleyball Canada every two years. Any significant policy amendments require approval by the Volleyball Canada and the OVA.

Approval

56. This policy was approved by the OVA and its Board of Directors on February 14, 2023.