



Complaints and Discipline Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a) “Case Manager” – An individual appointed by Surf Canada, including but not limited to, any Surf Canada Staff, Committee Member, Volunteer or Director; or any independent third party, to oversee this Complaints and Discipline Policy. The Case Manager will be responsible for, but not limited to: 1) the overall responsibility to ensure procedural fairness and the applicable timelines are respected; and 2) the decision-making authority described in this Policy.
 - b) “Complainant” – The Party alleging an infraction
 - c) “Days” – Days including weekend and holidays
 - d) “Individuals” – All categories of membership defined in the Surf Canada Bylaws, as well as all individuals employed by, or engaged in activities with Surf Canada including, but not limited to, athletes, coaches, event organizers, officials, volunteers, managers, administrators, committee members, and directors and officers of Surf Canada
 - e) “Parties” – The Complainant, Respondent, and any other Individuals or persons affected by the complaint
 - f) “Respondent” – The alleged infracting Party
 - g) “Sport Environment” – Any place where Surf Canada business or activities are conducted including, but not limited to, Surf Canada competitions, tournaments, practices, tryouts, training camps, travel associated with Surf Canada, the Surf Canada office environment and any meetings.

Purpose

2. Surf Canada is committed to providing an environment in which all Individuals are treated with respect. Association with Surf Canada, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including complying with Surf Canada’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, Surf Canada provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to discipline matters that may arise within the Surf Canada Sport Environment.
5. This Policy does not prevent discipline from being applied during a competition or event, according to specific procedures in place for that event. However, further discipline may be applied according to this Policy
6. Discipline matters and complaints arising within the business, activities, or events organized by entities other than Surf Canada will be dealt with pursuant to the policies of these other entities unless accepted by Surf Canada at its sole discretion.

Reporting a Complaint

The publication of Surf Canada policies will be in the English and French languages. In the case of conflicting interpretations, the English version will prevail.



7. Any Individual may report any complaint to the Surf Canada office. Such a complaint must be in writing and signed and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Surf Canada.
8. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Surf Canada Board of Directors. This decision may not be appealed.

Process

9. Before any complaint proceeds to a formal stage, the complaint will first be referred to the Surf Canada President (or designate) for review and possible resolution.
10. Should the complaint remain unresolved; the complaint will be referred to Surf Canada's Board of Directors (or "Designate" as approved by the Surf Canada Board) for review. The Surf Canada Board of Directors (or "Designate") will determine whether the complaint falls within the jurisdiction of Surf Canada in accordance with Sections 3-6 above.
11. If a complaint is determined by the Surf Canada Board of Directors (or "Designate") to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the discretion of the Surf Canada Board of Directors (or 'Designate') to determine whether a complaint is to be dealt with as a minor or major infraction. This decision may not be appealed.
12. If the incident is to be dealt with as a minor infraction, the Surf Canada Board of Directors (or "Designate") will inform the parties, and the matter will be dealt with according to the section relating to minor infractions.
13. If the incident is to be dealt with as a major infraction, the Surf Canada Board of Directors (or "Designate") will appoint a Case Manager, and the matter will be dealt with according to the section relating to major infractions.
14. The Case Manager will oversee the management and administration of the disciplinary process used to address the major infraction. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times and to undertake the process in a timely manner. The Case Manager is not required to be a member of Surf Canada.
15. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
16. Further sanctions may be applied in accordance with the procedures set out in this Policy.
17. Surf Canada may determine that an alleged incident is of such seriousness as to warrant suspension of an individual pending a hearing and a decision of the Panel.

Minor Infractions

18. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to Surf Canada. Examples of minor infractions can include, but are not limited to, a single incident of:
 - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
 - b) Disrespectful conduct such as outbursts of anger or argument
 - c) Conduct contrary to the values of Surf Canada

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- d) Being late for, or absent from, Surf Canada events and activities at which attendance is expected or required
 - e) Non-compliance with Surf Canada's policies, procedures, rules, or regulations
 - f) Minor violations of Surf Canada's Code of Conduct and Ethics
 - g) Tampering
19. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or Surf Canada decision-makers.
20. Provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
21. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
- a) Verbal or written reprimand from Surf Canada to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other voluntary contribution to Surf Canada
 - d) Removal of certain privileges of membership for a designated period of time
 - e) Suspension from the competitions, activities, or events
 - f) Restriction of activities
 - g) Fines
 - h) Any other sanction considered appropriate for the offense
22. Minor infractions that result in discipline will be recorded and records will be maintained by Surf Canada.
23. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

24. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to Surf Canada, or to the sport of surfing. Examples of major infractions include, but are not limited to:
- a) Repeated minor infractions
 - b) Any incident of hazing
 - c) Incidents of physical abuse
 - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - e) Pranks, jokes, or other activities that endanger the safety of others
 - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - g) Conduct that intentionally damages Surf Canada's image, credibility, or reputation
 - h) Disregard for Surf Canada's bylaws, policies, rules, and regulations
 - i) Major or repeated violations of Surf Canada's Code of Conduct and Ethics
 - j) Intentionally damaging Surf Canada property or improperly handling Surf Canada monies
 - k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - l) Any possession or use of banned performance enhancing drugs or methods

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25. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.
26. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

Procedure for Major Infraction Hearing

27. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
28. 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.
29. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
30. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
31. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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 deems appropriate in the circumstances, provided that:
 - a) The Parties will be given appropriate notice of the day, time, and place of the hearing
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
 - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - d) The Panel may request that any other individual participate and give evidence at the hearing
 - e) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - f) The decision will be by a majority vote of Panel members
32. 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 in question and will be bound by the decision.
33. In fulfilling its duties, the Panel may obtain independent advice.



Decision

34. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Surf Canada. In extraordinary circumstances, the 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 Panel.

Sanctions

35. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from Surf Canada to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to Surf Canada
- d) Suspension from competitions, activities, or events
- e) Expulsion or dismissal from Surf Canada
- f) Withholding of prize money or awards
- g) Fine
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from Surf Canada or from other sources
- j) Any other sanction considered appropriate for the offense

36. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) The nature and severity of the incident
- b) Whether the incident is a first offense or has occurred repeatedly
- c) The individual's acknowledgement of responsibility
- d) The individual's remorse and post-infraction conduct
- e) The age, maturity or experience of the individual
- f) Whether the individual retaliated, and
- g) The individuals' prospects for rehabilitation

37. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.

38. Major infractions that result in discipline will be recorded and records will be maintained by Surf Canada.

Other

39. Where it is brought to the attention of Surf Canada Board of Directors that an Individual has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Board may suspend the Member or participant pending further investigation, a hearing or a decision of the Panel.

40. Notwithstanding the procedures set out in this Policy, any Individual who is convicted of a criminal offence involving child pornography, any sexual offenses involving a minor, any offences of assault involving a minor, any offence of physical or psychological violence involving a minor, or any offence



involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List will face automatic suspension from participating in any activities of Surf Canada for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Surf Canada in accordance with this Policy.

Timelines

41. 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 Panel may direct that these timelines be revised.

Confidentiality

42. To the extent possible, the complaints and discipline process is confidential and involves only the Parties, the Surf Canada Board of Directors and "Designate", the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, it is expected that none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.
43. Once completed, decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.
44. To the extent possible, reports, Complaints, witness statements and other documents produced under this Policy or shared in an investigation, shall be held in confidence by Surf Canada, provided that, no guarantees of confidentiality may be made by Surf Canada. Circumstances in which information may be shared include, without limitation:
 - a) when criminal conduct may be involved;
 - b) when it is felt to be necessary to protect others from any potential breach of the Policy;
 - c) when required to ensure fairness or natural justice in the procedures contemplated by this Policy;
 - d) in the course of an investigation by a law enforcement agency;
 - e) to protect the interests of Surf Canada; and
 - f) when required by law.

Right to Appeal

45. The decision of the Panel may be appealed in accordance with Surf Canada's Appeal Policy.

Review

46. This Policy is subject to review at least once every three years