



COMPLAINT MANAGEMENT PROCESS

Kamloops Gymnastics | Trampoline Centre (KGTC)

Does KGTC's Complaint Management Process apply to you?

If you think that you have witnessed criminal behaviour do not hesitate to directly contact your local police department or the RCMP. If there is an immediate threat to safety or a life-threatening medical emergency call 911.

The Complaint Management Process applies to:

1. KGTC club leaders (administrators, managers, and Senior Managers);
2. KGTC Personnel (coaches; staff, consultants and contractors of KGTC);
3. Members, registered athletes and the parents/guardians/designated representatives of Members and registered athletes of KGTC; and
4. KGTC Representatives (Directors, officers, Committee Members, sub-committee members, judges and other officials; volunteers; team managers).

KGTC's Safe Sport Policies and Compliant Management Process provide detailed information about:

1. KGTC's Commitment to a Safe Sport Environment for all Participants (refer to **Safe Sport Policy**);
2. expectations for the behaviours of coaches, Members/athletes, parents/guardians/designated representatives, judges/officials, KGTC Personnel, KGTC Directors, KGTC Representatives and volunteers (refer to **Code of Conduct**);
3. what to do if you experience or witness Maltreatment or other Prohibited Behaviour (refer to **Maltreatment & Discrimination Policy**); and
4. what to expect if you submit a Concern or Complaint to KGTC or if someone submits a Concern or Complaint about you.

The Complaint Management Process is **NOT** in place to address matters pertaining to:

1. employment matters, employee grievances, or appointment of KGTC Personnel or volunteers;
2. selection criteria, competition outcomes, judging decisions, or technical program decisions for Members/athletes;
3. policies, procedures, and the decisions of organizations other than KGTC; and
4. KGTC operational matters.

If you have questions about KGTC's Complaint Management Process, please do not hesitate to contact KGTC's General Manager at: ED@Kamloopsphoenixgymnastics.com

Alignment with the UCCMS

This Policy has been drafted to substantially align with the **Universal Code of Conduct to Prevent and Address Maltreatment in Sport** (the "UCCMS") as published by the *Canadian Centre for Ethics in Sport* (CCES). The 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. As such, a Participant who violates the UCCMS, may also be subject to sanctions pursuant to policies of GymBC, GymCAN, BC Diving, Diving Plongeon Canada.

Please visit the following link to access the UCCMS:

[CCES-UCCMS-Final-E.pdf](#)



TABLE OF CONTENTS

SUMMARY.....	4
COMPLAINT MANAGEMENT DECISION CHART	7
SECTION 1 – DEFINITIONS.....	8
SECTION 2 – COMPLAINT MANAGEMENT PROCESS	13
ALTERNATE DISPUTE RESOLUTION (ADR) POLICY	13
INVESTIGATIONS POLICY & PROCEDURE.....	15
COMPLAINTS, HEARINGS & DISCIPLINE POLICY & PROCEDURE	17
Appendix A: Complaint Submission Form.....	31
Appendix B: Case Manager - Description of Duties & Responsibilities	34
APPEALS POLICY	37

SUMMARY

KGTC strives to ensure that all Participants taking part in KGTC Activities are not deterred from submitting Complaints due to any potential perceived complexities of its Complaint Management Process. This summary is included so that potential Complainants and Respondents can review a simplified explanation of the Complaint Management Process at KGTC. This summary does not replace or supersede any of the Policies of KGTC.

To promote an understanding of a “**Concern**” vs. a “**Complaint**” the following definitions have been provided:

1) **Concern**

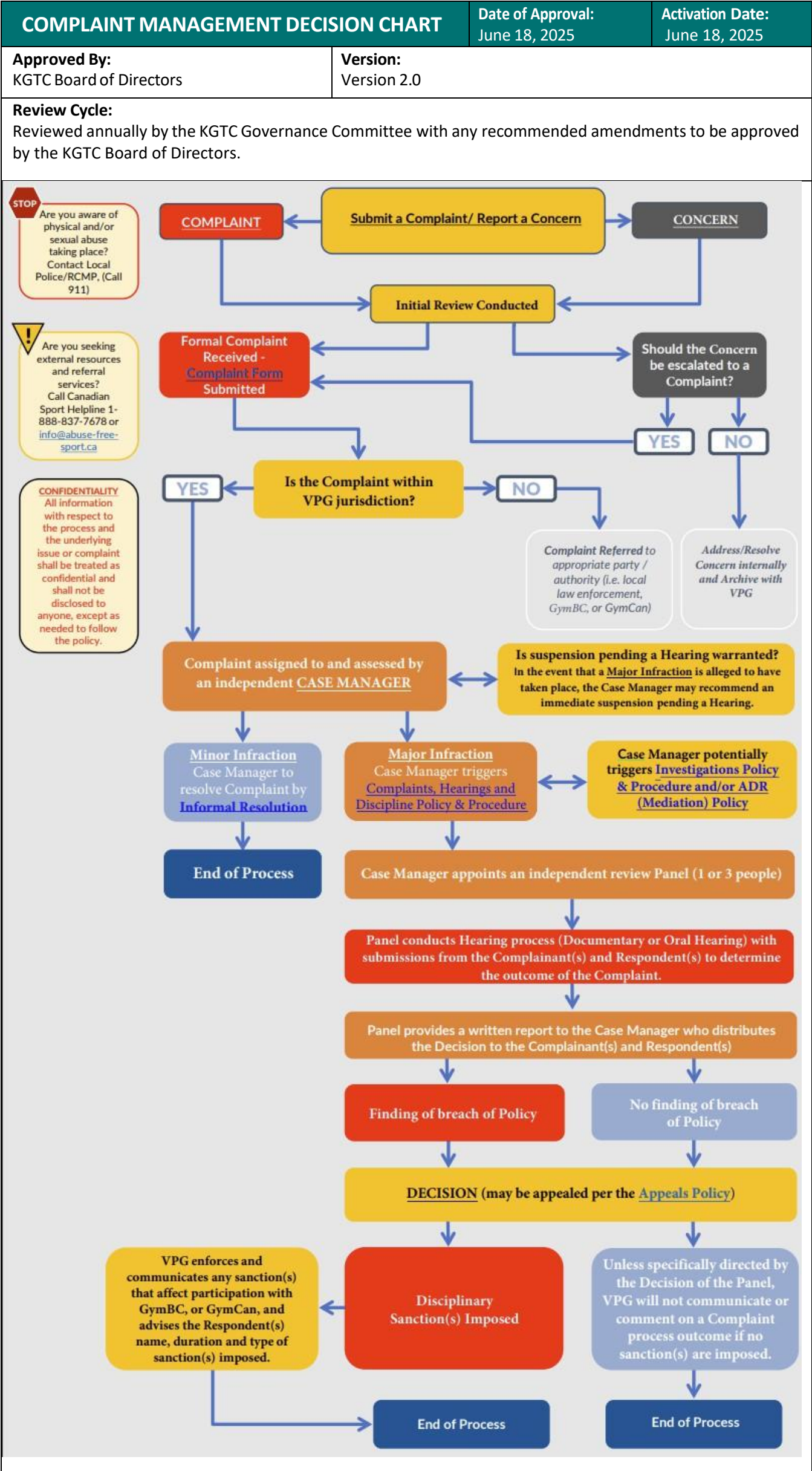
- a) A “**Concern**” is generally defined as an informal allegation or objection to a single non-material breach of a Policy.
- b) Concerns may be sent directly to the coach responsible for the training of an athlete or to KGTC’s General Manager (admin@kgtc.ca) to create a meeting between all Parties involved (including any witnesses).
- c) Should a Concern be submitted to KGTC as set out above, the following steps can be expected:
 - i. Anonymous Concerns will only be accepted by KGTC in its sole discretion, having regard to the seriousness of allegations in the anonymous Concern and where the Concern discloses sufficient information to reasonably permit KGTC to undertake next steps pursuant to its Complaint Management Process. Anonymous Concerns may therefore be dismissed by KGTC without further action if they do not provide enough information for KGTC to effectively manage the Concern.
 - ii. For all Concerns where the Participant submitting the Concern is identified, such Participant will be contacted by a representative of KGTC within three (3) business days of the submission of a Concern to schedule a call or meeting to have a confidential conversation about their Concern.
 - iii. An initial review of the Concern shall be completed by KGTC. Based on the severity of the infraction alleged within the Concern, KGTC may determine the Concern should be addressed as a formal Complaint pursuant to the Complaint Management Process. In such event, KGTC shall facilitate the submission of the Concern as a Complaint on the required format.
 - iv. Where KGTC determines that the Concern alleges an objection to a single non-material breach of a Policy, KGTC may (as determined in its sole discretion) dismiss the Concern as not warranting further action **OR** may choose to manage and resolve the Concern directly and internally. The dismissal or resolution of the Concern shall be communicated to the Party who submitted the Concern.
 - v. Pending the circumstances outlined in the Concern, KGTC may decide to inform the Participant or Participants involved in the allegations **OR** may decide to keep the Concern confidential. In all cases, the Concern shall be recorded and archived by KGTC. Repeat submissions of a Concern or similar allegations outlined in other Concerns submitted to KGTC, shall be treated by KGTC as more serious offences, and addressed pursuant to the Complaint Management Process.

2) Complaint

- a) A “Complaint” is generally defined as a formal allegation or objection to a material breach of Policy which has been properly submitted in writing to KGTC on the prescribed format.
- b) Complaints must be submitted on the prescribed Complaint Submission Form (attached hereto as Schedule “A”) and as follows:
 - i. All Complaints shall be submitted to the General Manager of KGTC (admin@kgtc.ca) with a copy to the Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca);
 - ii. Any Complaint involving the General Manager of KGTC shall be directed to the Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca); and
 - iii. Any Complaint submitted at a time when KGTC is without an General Manager shall be submitted to KGTC’s Interim Admin (admin@kgtc.ca) with a copy to Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca).
- c) Should a Complaint be submitted to KGTC as set out above, the following steps can be expected:
 - i. Anonymous Complaints will only be accepted by KGTC in its sole discretion, having regard to the seriousness of the breaches alleged in the anonymous Complaint and where the Complaint discloses sufficient information to reasonably permit KGTC to undertake next steps pursuant to its Complaint Management Process. Anonymous Complaints may therefore be dismissed by KGTC without further action if they do not provide enough information for KGTC to effectively manage the Complaint.
 - ii. For all Complaints with an identified Complainant, the Complainant will be contacted by a representative of KGTC within five (5) business days of the submission of a Complaint to schedule a call or meeting to have a confidential conversation about their Complaint and discuss the Complaint Management Process.
 - iii. Complaints are required to be submitted on the prescribed format (Complaint Submission Form), as appended, including any other submissions (such as documentary evidence, pictures, videos, emails, etc.) forming a part of their Complaint. If a Complaint has been made but is not on the prescribed format, KGTC shall review the Complaint intake information with the Complainant and facilitate the Complainant’s submission of the Complaint on the required format. KGTC will not consider any submission to KGTC as a formal Complaint until submitted on the prescribed format.
 - iv. An initial review of the Complaint to determine its jurisdiction shall be completed by KGTC. Based on the severity of the alleged infraction, KGTC may direct the Complaint to another sport organization (GymBC, GymCAN, BC Diving, Diving Plongeon Canada), to another regulatory agency (Canadian Centre for Ethics in Sport (CCES)), or to law enforcement where the infraction involves or alleges a Criminal Code offence. If it is determined by KGTC that another sport organization or regulatory agency has jurisdiction and should handle the Complaint pursuant to their policies and procedures, KGTC shall direct the Complainant and the Complaint to an appropriate contact at such other organization.
 - v. Where the Complaint is determined to be within the jurisdiction of KGTC, the Complaint shall be assigned by KGTC to a Case Manager within five (5) business days of the date it was received. The Case Manager may be an internal or external KGTC Representative but shall not have a Conflict of Interest or bias related to the Complaint or the Parties involved.

Once appointed by KGTC, the Case Manager shall conduct a preliminary review of the Complaint to ascertain if it involves a breach of a KGTC Policy and if such breach alleges a Minor Infraction or a Major Infraction (as defined).

- vi. Where a Complaint alleges a Minor Infraction, or is determined to be a Frivolous, Vexatious or Weaponized Complaint (as determined in the sole discretion of the Case Manager), the Case Manager may dismiss the Complaint as not warranting further action and communicate such dismissal of the Complaint to the Complainant and the Respondent **OR** may attempt to resolve the Complaint by Informal Resolution, including with respect to the imposition of disciplinary sanctions. If Informal Resolution is successful, the Case Manager shall communicate and confirm the outcome of Informal Resolution of the Complaint, and any disciplinary sanctions issued, to the Complainant and the Respondent. If no resolution of the Complaint is achieved through Informal Resolution, the Case Manager shall proceed to continue to address the Complaint pursuant to the Complaint Management Process.
- vii. Where the Complaint alleges a Major Infraction (as determined in the sole discretion of the Case Manager), the Case Manager will determine if the Complaint should be investigated per the ***Investigations Policy & Procedure*** of KGTC and/or if the Complaint could potentially be resolved using the ***Alternate Dispute Resolution (ADR) Policy*** of KGTC. Should the Parties not agree to pursue ADR, the Case Manager shall proceed to address the Complaint pursuant to ***Complaints, Hearings and Discipline Policy & Procedure***.
- viii. The Case Manager also has the responsibility to ensure procedural fairness of the Complaint management process for all Parties involved in the Complaint. This includes informing the Respondent of the allegations within the Complaint, reminding the Parties about confidentiality and ensuring the Respondent has the opportunity to respond to any allegations and make submissions as set out within the Complaint Management Process.
- ix. Any Party involved in a Complaint being managed under the ***Complaints, Hearings and Discipline Policy & Procedure*** including KGTC, the Complainant or Respondent may designate another (uninvolved) person of their choice, including but not limited to legal counsel, to represent them in the Complaint.
- x. Following the completion of the Case Manager's review of the Complaint or an investigation into the Complaint pursuant to ***Investigations Policy & Procedure*** of KGTC, the Case Manager shall appoint an independent decision-making Panel (either one (1) or three (3) people depending on the severity of the incidents alleged in the Complaint). The members of the Panel are required to have a legal background or experience with sport dispute resolution and shall not have any perceived or actual Conflict of Interest with the case or the Parties.
- xi. The decision-making Panel will conduct a Hearing (either a Documentary Hearing or an Oral Hearing) to determine the outcome of the Complaint. The Panel will render a written Decision (that may or may not include disciplinary sanctions for the Respondent). The Case Manager will distribute the Decision to the Parties and KGTC. KGTC will be responsible for enforcing the sanctions (if any) and distributing the Decision to GymBC, GymCAN, BC Diving, Diving Plongeon Canada, as necessary.
- xii. A Decision of the Panel may be subject to appeal by either the Complainant or Respondent pursuant to the ***Appeals Policy*** within ten (10) business days from the date on which the Decision being appealed was received by the Appellant. An appeal may only proceed pursuant to the ***Appeals Policy*** if there are sufficient grounds for appeal.



SECTION 1 – DEFINITIONS

Capitalized terms have the following meanings in the Complaint Management Process:

- 1.1 **“Affected Party” or “Affected Parties”** means any Participant, group, or entity, as determined by the Case Manager, who may be affected by a Decision rendered under the Appeals Policy and who may have recourse to an appeal in their own right under the Appeals Policy.
- 1.2 **“Appeal Hearing”** means a Documentary Hearing or Oral Hearing conducted by an Appeal Panel to consider an appeal of a Decision made by KGTC or a Panel pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***.
- 1.3 **“Appeal Panel”** means an external and independent decision-making party consisting of one (1) Third-Party appointed or engaged by the Case Manager to conduct an Appeal Hearing.
- 1.4 **“Appellant”** means the Party challenging or appealing a Decision permitted to be appealed pursuant to the Appeals Policy.
- 1.5 **“Board of Directors”** means the governing body of KGTC.
- 1.6 **“Bullying”** refers to intentional physical, verbal, or psychological attacks, intimidations, threats, inappropriate conduct or comments by a Participant or group of Participants occurring face-to-face or online, that may cause fear, distress, anxiety or potential harm to others. *(See Section 5.10 of the ***Maltreatment & Discrimination Policy***.)*
- 1.7 **“Bylaws”** means the bylaws of KGTC, as may be amended from time to time.
- 1.8 **“Case Manager”** means the person designated by KGTC as the Case Manager for the purpose of administering the Complaint Management Process, and having such duties and responsibilities as are set forth in the position description appended to the ***Complaints, Hearings and Discipline Policy & Procedure*** as Appendix “B”.
- 1.9 **“Committee Members”** means all Participants in KGTC committees, subcommittees, task forces, working groups or other KGTC collaborative initiatives.
- 1.10 **“Complainant”** means the Party who has submitted a Complaint in accordance with the ***Complaints, Hearings and Discipline Policy & Procedure*** alleging a violation of a KGTC Policy.
- 1.11 **“Complaint”** means a formal objection or allegation of a material breach of KGTC Policy which has been properly submitted in writing to KGTC and on the prescribed format.
- 1.12 **“Complaint Management Process”** means the process for managing and resolving Complaints at KGTC.
- 1.13 **“Concern”** means an informal allegation or objection to a single non-material breach of a KGTC Policy.
- 1.14 **“Conflict of Interest”** means a personal interest or relationship that could lead a KGTC Representative to be influenced in the way that a KGTC Representative carries out their duties; or could lead a reasonable third party to put into question the independence, impartiality or objectiveness that a KGTC Representative is obligated to exercise in the performance of their duties. A Conflict of Interest may be actual, potential or perceived and “pecuniary” or “non-pecuniary”.
- 1.15 **“Consent”** means the communicated voluntary agreement to engage in the activity in question, by a Participant who has the legal capacity to consent. Consent regarding sexual activity is assessed in accordance with the laws of Canada, including the Criminal Code.
- 1.16 **“Criminal Code”** means *The Criminal Code of Canada* (Criminal Code, R.S.C. 1985, c. C-46, as amended).
- 1.17 **“Decision”** means the outcome and resolution of a Complaint under the Complaint Management Process or the judgement, verdict, or ruling of the Case Manager, Panel, or Appeal Panel pursuant to the Complaint Management Process.

- 1.18 **“Director”** means any individual member of the Board of Directors of KGTC.
- 1.19 **“Directors”** means all members of the Board of Directors of KGTC.
- 1.20 **“Disclosure”** means the sharing of information by KGTC or a Participant regarding an incident or pattern of Maltreatment or Prohibited Behavior experienced or witnessed by KGTC or a Participant, including a breach of reasonable boundaries. Disclosure does not constitute a formal Report.
- 1.21 **“Discrimination”** means behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on a Participant or class of Participants based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds. Behaviour, policies, and/or practices specifically benefitting members of marginalized groups shall not be considered Discrimination. Discrimination does not include behaviour, policies and/or practices rationally connected to the legitimate sport objectives of KGTC with the honest and good faith belief that they are reasonably necessary to accomplish such relevant objectives, provided that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the Participant and/or KGTC in accommodating those needs, considering health, safety, cost, and legitimate sport objectives. *(See Section 5.7 of the **Maltreatment & Discrimination Policy**.)*
- 1.22 **“Documentary Hearing”** means a Hearing conducted by means of a review solely of documentary submissions by the Complainant, the Respondent as requested by the Panel.
- 1.23 **“Frivolous or Vexatious”** means a Complaint that has no reasonable or sound basis in fact or law, is found to be “without merit”, and/or has been brought with the primary intent or harassing, discrediting or subduing a Respondent.
- 1.24 **“Grooming”** means deliberate conduct by a Participant comprised of one or several acts that, viewed objectively, either make it easier to engage in Sexual Maltreatment or reduce the chance that Sexual Maltreatment will be Reported. *(See Section 5.5 of the **Maltreatment & Discrimination Policy**.)*
- 1.25 **“Harassment”** refers to a course of vexatious conduct or comments and unwanted or coerced behaviours that a Participant knew or ought reasonably to have known would be unwelcome and inappropriate or otherwise offensive to another Participant or group of Participants. *(See Section 5.9 of the **Maltreatment & Discrimination Policy**.)*
- 1.26 **“Hazing”** means any action or situation that recklessly or intentionally endangers the health, safety, or welfare of, or causes a risk of bodily injury to a Participant for the purpose of initiation, participation, admission, or affiliation with any KGTC Activities, team, or group of Participants. Hazing does not include customary athletic events, competitions, or the authorized training activities of KGTC. *(See Section 5.11 of the **Maltreatment & Discrimination Policy**.)*
- 1.27 **“Hearing”** means a Documentary Hearing or Oral Hearing conducted by a Panel appointed by a Case Manager for the purpose of determining whether a breach or violation of any KGTC Policy has occurred, and the appropriate disciplinary sanctions, including the time frame applicable to such sanctions, if applicable.
- 1.28 **“Informal Resolution”** means a way of dealing with less serious Complaints by solving, explaining, resolving or settling the matter directly with the Complainant without investigation or formal proceedings.
- 1.29 **“Legal Duty to Report”** means the legal obligation to promptly report potential abuse of a Minor to the *Ministry of Children and Family Development* under the *Child, Family and Community Service Act* of British Columbia.
- 1.30 **“Major Infraction”** means a material breach of Policy, or any instance of failing to achieve the expected standards of conduct, whether under a Policy or otherwise, that results, or has the potential to result, in significant or material harm to a Participant, KGTC, or the sport of gymnastics.

- 1.31 **“Maltreatment”** means any volitional act and/or omission described in Sections 5.1-5.5 of the ***Maltreatment & Discrimination Policy*** of KGTC that results in harm or has the potential for physical or psychological harm.
- 1.32 **“Member”** or **“Members”** means a Participant who qualifies as a member of KGTC under the Bylaws.
- 1.33 **“Minor”** or **“Minors”** means any Participant or Participants under the age of 19 years old. It is the responsibility of a KGTC Representative in a position of trust or Position of Authority to know whether a Participant under their authority is a Minor.
- 1.34 **“Minor Infraction”** means a single non-material breach of Policy, or a single non-material incident of failing to achieve expected standards of conduct, that does not result in significant harm to a Participant, KGTC, or the sport of gymnastics.
- 1.35 **“Neglect”** means any pattern or a single serious incident of lack of reasonable care, inattention to a Participant’s basic needs, nurturing or Well-Being, or omission in care. *(See Section 5.3 of the ***Maltreatment & Discrimination Policy***.)*
- 1.36 **“Oral Hearing”** means a Hearing conducted in-person, by telephone, by video- conference or by such other electronic means as the Panel may decide, to be attended by any or all of the Complainant, the Respondent and any persons who have made witness statements, as requested by the Panel.
- 1.37 **“Panel”** means an external and independent decision-making body consisting of either one (1) independent person or three (3) independent persons (depending on the severity of the incidents alleged in a Complaint) appointed or engaged by the Case Manager to conduct a Hearing and render a Decision into a Complaint including sanctions (if any).
- 1.38 **“Participant”** or **“Participants”** means any person or persons engaged in KGTC Activities including but not limited to Members or athletes registered in a program at KGTC, KGTC Representatives, KGTC Personnel, coaches, officials, volunteers, administrators, Directors, trainers, and the parents/guardians/designated representatives of Members or athletes registered in a program at KGTC.
- 1.39 **“Party”** or **“Parties”** means the Complainant, Respondent or any other Participant or Participants involved in a Complaint.
- 1.40 **“Physical Maltreatment”** means a single serious incident or any pattern of deliberate conduct, including contact behaviours and non-contact behaviours that have the potential to be harmful to a Participant’s physical or psychological Well-Being. *(See Section 5.2 of the ***Maltreatment & Discrimination Policy***.)*
- 1.41 **“Policy”** or **“Policies”** refers to the ***Bylaws, Safe Sport Policy, Maltreatment & Discrimination Policy, Code of Conduct, Athlete Code of Conduct, Parent Code of Conduct, Alternative Dispute Resolution (ADR) Policy, Investigations Policy & Procedure, Complaints, Hearings and Discipline Policy & Procedure, Appeals Policy, Conflict of Interest Policy & Procedure, Travel Policy, Social Media Policy*** , and any other policy, procedure, rule and regulation of KGTC that is in effect from time to time, or any one of them, as the context requires.
- 1.42 **“Position of Authority”** means a critical relationship, where a Participant is dependent upon another person in a position of power and/or trust, for safety or fulfillment of needs. Examples of critical relationships include but are not limited to parent-Member/athlete, coach-Member/athlete or team manager-Member/athlete.
- 1.43 **“Power Imbalance”** means a situation or relationship where a KGTC Representative has authority or control over a Participant, is in a Position of Authority or position to confer, grant or deny a benefit or advancement to a Participant, or is responsible for the physical or psychological Well-Being of a Participant. Whether an actual Power Imbalance exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate Participant as follows:

- i. Once a coach-Member/athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Member/athlete relationship, regardless of the age of the Member/athlete;
 - ii. Where the coach-Member/athlete relationship began while the Member/athlete was a Minor, a Power Imbalance is presumed to continue even after the coach-Member/athlete relationship terminates;
 - iii. A Power Imbalance may exist, but is not presumed, where a sexual or romantic relationship existed between two adult Participants before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between adults with Consent that preceded the sport relationship);
 - iv. A Power Imbalance is presumed to exist where a Participant is in:
 - a) an authority-based relationship with another Participant where one person has power over the other by virtue of an ascribed Position of Authority, such as between a high-performance director and coach; employer and employee; technical official and Member/athlete; and/or
 - b) a dependency relationship where such Participant is in a position of lesser power and dependent upon another person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and Member/athlete; high performance director and coach; sport science and medical support staff and Member/athlete; billet or host family and Member/athlete;
 - v. A presumption that a Power Imbalance exists may be rebutted;
 - vi. A Power Imbalance may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, Member/athlete-Member/athlete, coach-coach or official-official relationships;
 - vii. A Power Imbalance may be represented by seniority, age differential, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples; and
 - viii. Maltreatment often occurs when a Power Imbalance is misused. Moreover, it is recognized that those from marginalized groups often experience positions of lesser power.
- 1.44 **“Prohibited Behaviour”** means any of the conduct or behaviours described in Section 5.0 of the ***Maltreatment & Discrimination Policy***, including but not limited to Maltreatment.
- 1.45 **“Racism”** means a form of prejudice or Discrimination against a Participant based on their race or ethnicity, and generally includes derogatory attitudes, negative or harmful emotional reactions, acceptance of racial stereotypes, or antagonism by a Participant against another Participant or group of Participants based on their membership in a particular racial or ethnic group, typically one that is a minority or marginalized. *(See Section 5.8 of the ***Maltreatment & Discrimination Policy***.)*
- 1.46 **“Report”, “Reports”, “Reported” or “Reporting”** means the provision of information by KGTC or by any Participant or person to an independent authority designated by KGTC to address a Complaint regarding Maltreatment or Prohibited Behaviour. Reporting may occur through either: (i) a Participant or person who experienced the Prohibited Behaviour; or (ii) a Participant who witnessed the Prohibited Behaviour or otherwise knows or reasonably believes that Prohibited Behaviour or a risk of Prohibited Behaviour or Maltreatment exists.
- 1.47 **“Reporting Obligation”** means the obligation to Report possible Maltreatment or Prohibited Behaviour. *(See Section 5.14 of the ***Maltreatment & Discrimination Policy***.)*

- 1.48 **“Respondent”** means, the person alleged to have breached or violated a KGTC Policy within a Complaint pursuant to ***Complaints, Hearings and Discipline Policy & Procedure***, or, in the ***Appeal Policy***, the Party responding to the appeal.
- 1.49 **“Responsible Delegate”** means a KGTC Representative having responsibility over a KGTC Activity or an event that Members/athletes are attending (such as a team manager or a chef de mission).
- 1.50 **“Safe Sport”** means KGTC’s commitment to a Safe Sport Environment.
- 1.51 **“Safe Sport Environment”** means a safe, inclusive, open, observable and transparent sporting environment for all Participants free from any form of abuse, Maltreatment, or Prohibited Behaviour, supported by policies and procedures based upon and consistent with best practices as established by youth sporting organizations in Canada from time to time.
- 1.52 **“Senior Manager”** or **“Senior Managers”** means any person appointed by the Board of Directors to exercise the Directors authority to manage the activities or internal affairs of KGTC as a whole or in respect of a principal unit of KGTC pursuant to Section 61(1) of the BC Societies Act (SBC 2015).
- 1.53 **“Sexual Maltreatment”** means any single incident or pattern of behaviour, whether physical or psychological in nature, that is committed, threatened, or attempted with the potential to be harmful to a Participant’s sexual integrity. *(See Section 5.4 of the **Maltreatment & Discrimination Policy**.)*
- 1.54 **“Third-Party”** means a person external to KGTC, who is independent, objective, impartial, and non-biased.
- 1.55 **“KGTC Activities”** means all programs of KGTC and events that are sanctioned, sponsored or otherwise supported by KGTC, including but not limited to those ordinarily arising during the course of KGTC’s business (whether in person, over the phone or online), such as competitions, practices, training camps, travel associated with KGTC Activities, and meetings. KGTC Activities also include other non-KGTC events and circumstances outside of the foregoing, where conduct at such event or activity adversely affects relationships within KGTC (and its work and sport environment) and/or amongst its Members and registered athletes or is detrimental to the image and reputation of KGTC. Such applicability will be determined by KGTC, in its sole discretion.
- 1.56 **“KGTC Personnel”** means all employees, staff, coaches, consultants and contractors of KGTC.
- 1.57 **“KGTC Representatives”** means any person employed by or engaged to act on behalf of KGTC, including but not limited to KGTC Personnel, Directors, officers, Committee Members, sub-committee members, judges and other officials, volunteers, coaches, team managers, chaperones, and administrators.
- 1.58 **“Vulnerable Individual”** or **“Vulnerable Individuals”** means Participants at increased risk of Maltreatment and/or coercion, often due to age, gender, race, poverty, parental absence, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. Vulnerable Individuals include Participants who are not able to provide informed Consent.
- 1.59 **“Weaponized Complaint”** means:
 - i. a Complaint which has been made by a Participant or group of Participants where such Complaint has or is perceived to have some other purpose or intended consequence than the Complaint itself would otherwise indicate;
 - ii. a Complaint which has been made by a Participant or group of Participants where such Complaint is motivated or appears to be motivated by personal interest, political or personal agenda, bias, or a grudge held against KGTC or the Respondent; and
 - iii. a Complaint which has been solicited, encouraged, organized or orchestrated by a Participant or group of Participants that are not a Party to the Complaint itself and where such Complaint has or is perceived to have some other purpose or intended consequence than the Complaint itself would otherwise indicate.

SECTION 2 – COMPLAINT MANAGEMENT PROCESS

Policy Name: ALTERNATE DISPUTE RESOLUTION (ADR) POLICY		Date of Approval: June 18, 2025	Activation Date: June 18, 2025
Approved By: KGTC Board of Directors	Version: Version 2.0 (2025)		
Review Cycle: Reviewed annually by the KGTC Governance Committee with any recommended amendments to be approved by the KGTC Board of Directors.			

1.0 PURPOSE OF THIS POLICY

KGTC believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. As such, KGTC encourages Participants to first use alternative dispute resolution (“**ADR**”) as a means for resolving Complaints or other issues that arise at KGTC Activities. ADR refers to dispute resolution techniques of negotiation, mediation, collaboration, or arbitration, which, with the facilitation of a Third-Party, can result in the settlement or resolution of disputes. ADR can, in appropriate cases, assist in avoiding or minimizing the uncertainty, costs and other negative effects that may be associated with lengthy disciplinary or other hearings, appeals, or with litigation that can arise from the foregoing.

2.0 APPLICATION OF THIS POLICY

This Policy applies to all Complaints and appeals of any Decision that falls within the jurisdiction of KGTC.

3.0 REFERRAL TO ADR

At any time during the Complaint Management Process, the Case Manager or any of the Parties involved in a Complaint may request and, by mutual agreement, agree to refer the Complaint to ADR in accordance with this Policy.

ADR Process:

- 3.1 **Appointment of a Third-Party:** If all parties to a dispute agree to ADR, an independent Third-Party mediator or facilitator acceptable to all Parties who has appropriate experience and credentials in dispute resolution and mediation, shall be appointed by the Case Manager to mediate or facilitate the dispute. The Third-Party mediator or facilitator will always be external and impartial to all Parties involved. Alternatively, with the agreement of the Parties, the Case Manager may act as the Third Party (i.e. where the Case Manager may or may not be an external Party to KGTC).
- 3.2 **ADR Process:** The Third-Party shall decide the process and format under which the dispute shall be mediated or facilitated and shall specify the timeframes within which the process shall take place.
- 3.3 **KGTC Policies Apply:** The Third-Party shall refer to and consider all applicable policies of KGTC, including but not limited to the ***Code of Conduct, Maltreatment & Discrimination Policy***, and the ***Complaints, Hearings and Discipline Policy & Procedure*** (specifically the sections pertaining to disciplinary sanctions) in setting and conducting the ADR process.
- 3.4 **Reporting Obligation:** Should a Decision be reached through the ADR process, the Third-Party shall inform KGTC of the Decision including any disciplinary sanctions. KGTC shall review and approve the Decision. Pending approval by KGTC, any actions that are to take place as a result of the Decision shall be enacted on the timelines specified by the Third-Party in the negotiated Decision.

- 3.5 **Review of Decision at Request of KGTC:** If KGTC concludes that the outcome of the matter as facilitated by the Third-Party is not appropriate in the context of KGTC's applicable Policies and procedures, and KGTC therefore does not approve the Decision, KGTC may refer the matter back to the Case Manager (provided the Case Manager did not act as the Third-Party) for appointment of a Panel or KGTC may itself appoint a Panel (where the Case Manager acted as the Third-Party) as set forth in the ***Complaints, Hearings and Discipline Policy & Procedure***, to review the Decision of the ADR process.
- 3.6 **Compliance Required:** It shall be a condition of ongoing membership in good standing at KGTC that all disciplinary sanctions rendered under this Policy be recognized, respected and complied with by the Respondent and all Affected Parties.
- 3.7 **Decisions are Final and Binding:** Any Decision, resolution or settlement achieved by the Third-Party through the ADR process and approved by KGTC shall be final and binding on the parties.
Decisions arrived at through the ADR process may not be appealed.
- 3.8 **No Resolution:** Should a Decision, resolution or settlement not be achieved through the ADR process by any deadline specified by the Third-Party, the dispute shall be remitted back to the ***Complaints, Hearings and Discipline Policy & Procedure*** and continue from the stage of that policy that the Case Manager deems appropriate.

4.0 CONFIDENTIALITY

- 4.1 **General:** All information with respect to the ADR process and the underlying issue or Complaint shall be treated as confidential and shall not be disclosed to anyone, except as needed to follow this Policy. Disclosure of any information with respect to the ADR process shall be limited to:
- 4.1.1 the Case Manager;
 - 4.1.2 the Parties involved in the Complaint (and their designated representative(s), if applicable);
 - 4.1.3 the Third-Party;
 - 4.1.4 those KGTC Representatives who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process, and
 - 4.1.5 any independent legal advisors consulted by the Panel in the discharge of his, her or their responsibilities pursuant to this Policy.
- 4.2 None of the forgoing persons or their representatives shall disclose any information relating to the Complaint, the Hearing or the disciplinary process, to any person not listed above and not involved in the proceedings. Any breach of confidentiality shall itself be subject to discipline as set forth in the ***Complaints, Hearings and Discipline Policy & Procedure***.

Policy Name: INVESTIGATIONS POLICY & PROCEDURE		Date of Approval: June 18, 2025	Activation Date: June 18, 2025
Approved By: KGTC Board of Directors	Version: Version 2.0 (2025)		
Review Cycle: Reviewed annually by the KGTC Governance Committee with any recommended amendments to be approved by the KGTC Board of Directors.			

1.0 PURPOSE OF THIS POLICY

This Policy describes how KGTC will conduct investigations and the circumstances under which an investigation may be conducted.

2.0 DETERMINATION TO PROCEED WITH AN INVESTIGATION

- 2.1 The ***Complaints, Hearings and Discipline Policy & Procedure*** is intended to facilitate the resolution of Complaints received by KGTC in a manner that does not require KGTC to engage external resources to uncover relevant facts and bring the issue to a close. Specifically, the ***Complaints, Hearings and Discipline Policy & Procedure*** provides that the Complainant and the Respondent are themselves responsible for providing factual information, including witness statements and any other relevant information, to substantiate or defend a Complaint and permit the Panel to make a Decision on the basis of that information. However, KGTC recognizes that there may be circumstances under which a Complainant or a Respondent may not be able to adequately provide all relevant facts or witness statements in order to substantiate or defend the Complaint, or where no formal Complaint has been made but KGTC is aware of matters requiring investigation. In such circumstances, KGTC may itself determine that an investigation is necessary or desirable.
- 2.2 When a determination is made by the Case Manager or KGTC that an investigation into a Complaint or other matter is necessary or desirable, the Case Manager or KGTC will appoint an investigator pursuant to this Policy. KGTC and the Case Manager will adhere to all Disclosure and Reporting responsibilities required by any government entity, local police force, or child protection agency.

3.0 INVESTIGATION

- 3.1 **Appointment of Investigator:** An investigator may be appointed by the Case Manager or KGTC to investigate Complaints or otherwise as directed. The investigator may be a representative of KGTC or may be an external Third-Party skilled in investigating. The investigator must **NOT** be in a Conflict of Interest situation and should have no connection to any Party involved with the Complaint.
- 3.2 **Applicable Law:** Federal and/or provincial legislation related to workplace harassment may apply to the investigation if any alleged Harassment (as defined in the ***Maltreatment & Discrimination Policy***) was directed toward a worker in a workplace. The investigator should review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the matter being investigated.
- 3.3 **Process:** The investigation may take any form as decided by the investigator, guided by any applicable law, and in consultation with the Case Manager where applicable. The investigation may include:
 - 3.3.1 Interview the Complainant;
 - 3.3.2 Interview witnesses;
 - 3.3.3 Developing a statement of facts (Complainant's perspective) prepared by investigator and acknowledged by Complainant;

- 3.3.4 Delivering the statement to the Respondent;
- 3.3.5 Interview the Respondent;
- 3.3.6 Interview additional witnesses; and
- 3.3.7 Developing a statement of facts (Respondent's perspective) prepared by the investigator and acknowledged by the Respondent.

4.0 REPORT OF THE INVESTIGATOR

- 4.1 The Investigator will prepare and submit a report. The investigator's report should include a summary of evidence from the Parties (including both statements of facts, if applicable) and determinations from the investigator of whether or not, on a balance of probabilities, an incident occurred.
- 4.2 The investigator's report will be provided to KGTC and the Case Manager, if applicable.
- 4.3 Should the investigator find that there are possible instances of offences under the *Criminal Code*, particularly related to: Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation; (as defined terms therein), the investigator shall advise the Complainant to refer the matter to law enforcement. The investigator will further inform KGTC that the matter should be directed to law enforcement. The investigator must also inform KGTC of any other findings of criminal activity. KGTC may decide whether to report such findings to law enforcement but is required to inform law enforcement if there are findings related to the trafficking of illegal drugs or materials, any sexual crime involving minors, fraud against KGTC, or other offences where the lack of reporting would bring KGTC into disrepute.
- 4.4 A Panel, appointed by the Case Manager pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***, shall consider the investigator's report, in addition to submissions from the Parties, prior to deciding on a Complaint, if the investigator's report is disclosed by the Case Manager or KGTC.

5.0 PROHIBITION AGAINST RETALIATION

Retaliation occurs when a Participant experiences or is subject to negative consequences due to Reporting or taking part in an investigation or related process. The Complainant, the Respondent and all witnesses have the right to participate in the investigation process outlined in this Policy, and any other KGTC Policy, without fear of retaliation. Retaliation against anyone who submits a Complaint or who participates in any aspect of the process outlined in this Policy is strictly prohibited. A Participant who experiences retaliation due to Reporting a Complaint or for taking part in an investigation or hearing process should inform KGTC of such retaliation as soon as possible.

6.0 FALSE ALLEGATIONS

Any Participant or person who submits allegations that an investigator determines to be false or "without merit" may themselves be subject to a Complaint and disciplinary sanctions under the terms of the ***Complaints, Hearings and Discipline Policy & Procedure***.

7.0 CONFIDENTIALITY

The information obtained about an incident or Complaint (including identifying information about any Participants or persons involved) will remain confidential unless Disclosure is necessary for the purpose of investigating or taking corrective action or is otherwise required by a Policy or Bylaw of KGTC. The investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other Participant or Party involved. However, KGTC recognizes that maintaining anonymity of all Parties may be difficult for the investigator during

an investigation.

Policy Name: COMPLAINTS, HEARINGS & DISCIPLINE POLICY & PROCEDURE		Date of Approval: June 18, 2025	Activation Date: June 18, 2025
Approved By: KGTC Board of Directors	Version: Version 2.0 (2025) - replaced KGTC Complaints Policy (2018)		
Review Cycle: Reviewed annually by the KGTC Governance Committee with any recommended amendments to be approved by the KGTC Board of Directors.			

1.0 KGTC'S COMMITMENT AND EXPECTATIONS

KGTC is committed to promoting a Safe Sport Environment in which all Participants are able to take part in KGTC Activities in a safe, healthy and inclusive training and competitive environment, free from any form of abuse, Maltreatment, or Prohibited Behaviour, regardless of the level or capacity in which the Participant is taking part. Membership in KGTC, as well as participation in KGTC Activities brings many benefits and privileges. Membership in good standing requires Participants to fulfill certain responsibilities and obligations including, but not limited to, complying with the Policies of KGTC. Behaviour by Participants that does not comply with the Policies of KGTC can result in harm to the integrity and reputation of KGTC, and result in harm to Participants. Conduct that violates the Policies of KGTC may be subject to discipline pursuant to this Policy.

2.0 PURPOSE OF THIS POLICY

This Policy is intended to outline the procedures of KGTC with respect to:

- 2.1 Complaints involving a material breach of KGTC Policy;
- 2.2 managing all Complaints in a manner that is administratively fair, consistent, expeditious, and cost effective;
- 2.3 the circumstances under which a Complaint shall be investigated and/or referred to a Panel for a Hearing and disciplinary sanctions (if any);
- 2.4 the referral of a Complaint (where such Complaint is not within the jurisdiction of KGTC) to the appropriate authority having jurisdiction; and
- 2.5 ensuring that all discipline arising from the application of this Policy is appropriate and proportionate to any breach that is substantiated and is fairly and consistently applied.

3.0 APPLICATION OF THIS POLICY

This Policy applies to all Participants engaged in KGTC Activities. Complaints NOT involving Participants engaged in KGTC Activities, or arising outside of the scope of KGTC Activities, shall be addressed by such entities or organizations responsible for such persons or activities, which may include other gymnastics clubs, or another provincial or national sport organization (i.e. GymBC, GymCAN, BC Diving, Diving Plongeon Canada) unless the Complaint is specifically requested to be considered, and is agreed to be considered, by KGTC in its sole discretion, having regard to jurisdictional considerations as set forth in Section 4.0 hereof.

4.0 JURISDICTION OF KGTC

- 4.1 **Generally:** KGTC has responsibility over alleged breaches or violations of KGTC Policies by Participants taking part in KGTC Activities. The definition of Prohibited Behavior under the ***Maltreatment & Discrimination Policy*** of KGTC includes Racism, Harassment, Bullying and Hazing which terms are not

specifically defined under the UCCMS. As such, any incident or Complaint involving Racism, Harassment, Bullying and Hazing shall fall under the jurisdiction of KGTC.

- 4.2 **Limits on KGTC’s Jurisdiction:** KGTC works within a multi-jurisdictional sport structure. GymBC/BC Diving, as a Provincial Sport Organization (“PSO”), has analogous responsibilities over gymnastics/diving activities in the province of British Columbia (under its obligations and responsibilities to GymCAN/ Diving Plongeon Canada as the national sport organization with responsibilities over gymnastics activities in Canada). All have their own policies and procedures that may apply concurrently with, or may take precedence over, KGTC Policies. These non-KGTC policies and procedures may apply to Members/athletes, coaches, parents, KGTC Representatives and volunteers, among others. KGTC shall advise the PSO of any Complaint involving serious misconduct received by KGTC in order that the PSO may maintain appropriate records and provide assistance, support, and/or escalate the Complaint, if needed.

As of April 1, 2025, the **Canadian Centre for Ethics in Sport (CCES)** has mandatory jurisdiction (CSSP Rule 5) over all Reports of Prohibited Behaviour covered by the UCCMS and the **Canadian Safe Sport Program (CSSP)**, to which the **Maltreatment & Discrimination Policy** of KGTC is aligned. The 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. As such, a Participant who violates the UCCMS, may also be subject to sanctions pursuant to policies of GymBC/BC Diving or GymCAN/ Diving Plongeon Canada.

- 4.3 **Multiple Jurisdictions:** If a Complaint is submitted to more than one jurisdiction or involves more than one jurisdiction (e.g. behaviour of a KGTC Representative, Member or athlete at a provincial or national level competition hosted by a member club), the highest-ranking governing body involved (i.e. KGTC, GymBC/BC Diving or GymCAN/Diving Plongeon Canada) shall take the primary role managing the Complaint, unless it is determined in consultation with the highest-ranking governing body involved that such Complaint is best managed at the provincial or member club level. Having more than one jurisdiction manage or investigate the same Complaint and potentially arrive at a separate Decision, or award inconsistent disciplinary sanctions, is to be avoided. Notwithstanding, there may be some extraordinary situations where the same Complaint may be addressed in separate jurisdictions. In such cases the jurisdictions involved are best served to cooperate, share information, and establish a forum to discuss their findings.

Jurisdiction may generally be determined in accordance with the following guideline:

Situation	KGTC	GymBC/BC Diving	GymCAN/Diving Plongeon Canada
Club operational issues (including payments, scheduling)	✓		
Employment issues not involving Maltreatment	✓		
Employment issues involving Maltreatment	✓	✓	
Club leader/Board operational issues	✓	✓	
Incident or Complaint involving Racism, Harassment, Bullying and Hazing	✓		
Minor Infraction of Maltreatment or Prohibited Behaviour	✓		
Moderate to Major Infraction of Maltreatment or Prohibited Behaviour	✓	✓	

Incidents that occur at National events	✓	✓	✓
Club issues when a Conflict of Interest is present	✓	✓	

5.0 REPORTING A COMPLAINT TO KGTC

- 5.1 Complaints with respect to breaches or alleged breaches of a KGTC Policy are to be submitted as follows:
 - 5.1.1 All Complaints shall be submitted to the General Manager of KGTC (admin@kgtc.ca) with a copy to the Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca);
 - 5.1.2 Any Complaint involving the General Manager of KGTC shall be directed to the Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca); and
 - 5.1.3 Any Complaint submitted at a time when KGTC is without an General Manager shall be submitted to KGTC's Interim Administrator (admin@kgtc.ca) with a copy to the Chair of the KGTC Board of Directors (kgtcboard@kgtc.ca).
- 5.2 KGTC may appoint an independent Third-Party or body to receive and handle Complaints made pursuant to this Policy, in which case KGTC shall provide notice of such appointment to Participants and refer Complaints received to such Third-Party who shall address any and all Complaints in accordance with this Policy. Complaints referred to a Third-Party shall include a description of any actions already taken by KGTC to try and address the misconduct, if any.
- 5.3 Complaints must be submitted in writing (using the prescribed "Complaint Submission Form" appended hereto as Appendix "A") by a Participant who has experienced or witnessed Maltreatment, Prohibited Behaviour, or an incident in violation of a KGTC Policy. Additional attachments (such as evidence), if any, should be filed at the same time as the Complaint. Complaints should include all relevant detail such as the name of the Respondent(s), contact information for the Respondent (if known) details of the incident(s) (including dates, times, and places), reference to the KGTC Policy or Policies the Complainant alleges have been breached (if known), and statements of relevant witnesses (if available).
- 5.4 Anonymous Complaints may be dismissed without further action by KGTC. Anonymous Complaints will only be accepted by KGTC in its sole discretion, having regard to the seriousness of the breaches alleged in the anonymous Complaint and where the Complaint discloses sufficient information to reasonably permit the Case Manager to undertake next steps pursuant to this Policy.

6.0 ACKNOWLEDGEMENT BY KGTC

KGTC shall acknowledge receipt of a Complaint to the Complainant within three (3) business days.

7.0 TYPES OF COMPLAINTS

- 7.1 **General:** A Minor Infraction is, generally, a single non-material breach of a KGTC Policy, or a single non-material incident of failing to achieve expected standards of conduct, that does not result in significant harm to a Participant, KGTC, or the sport of gymnastics. A Major Infraction is, generally, any instance of failing to achieve the expected standards of conduct, whether under an KGTC Policy or otherwise, that results, or has the potential to result, in significant or material harm to a Participant, KGTC, or the sport of gymnastics. Multiple or repeated instances of infractions that would normally be considered to be minor in nature shall be treated as more serious infractions, and any resulting disciplinary action shall reflect the repetitiveness of any violations.
- 7.2 **Examples:** Infractions that may form the basis of a Complaint made to KGTC can include, but are not limited to, the following examples, which in each case are to be considered to be more serious if the conduct involves or is directed at a Vulnerable Individual:

- 7.2.1 Non-compliance with a KGTC Policy or Policies, including but not limited to conduct contrary to the **Code of Conduct**;
 - 7.2.2 Disrespectful, offensive or verbally abusive conduct, such as outbursts of anger or argument;
 - 7.2.3 Conduct that interferes with a competition or with any athlete's preparation for a competition;
 - 7.2.4 Any incident of Maltreatment or Prohibited Behaviour;
 - 7.2.5 Any incident of Boundary Transgressions, Discrimination, Racism, Harassment, Bullying or Hazing (as those terms are defined in the **Maltreatment & Discrimination Policy**) or on any grounds protected by law;
 - 7.2.6 Violence;
 - 7.2.7 Incidents of physical and/or emotional abuse;
 - 7.2.8 Pranks, jokes, or other activities that endanger the safety of others;
 - 7.2.9 Intentionally damaging KGTC property or improperly handling KGTC monies and/or property;
 - 7.2.10 At any KGTC Activity: (i) the abusive use of alcohol, cannabis or other mood- altering substances; (ii) any use, misuse or possession of alcohol, cannabis or other mood-altering substance by minors; or (iii) any use or possession of illicit drugs and narcotics including but not limited to possession or use of banned performance enhancing drugs or methods;
 - 7.2.11 Participants that are past the age of majority engaging or behaving with Members/athletes in an unsafe manner, including but not limited to while under the influence of alcohol or any other mood-altering substances;
 - 7.2.12 Conduct that intentionally damages the image, credibility, or reputation of KGTC, including but not limited to actions taken by KGTC Representatives, or the involvement of Participants in actions taken by KGTC Representatives involving a conflict of interest;
 - 7.2.13 False accusations of Maltreatment, Prohibited Behaviour or a violation of KGTC Policy that are vexatious, motivated by malice or mischief, and/or meant to cause another Participant harm or which have the effect of retaliation; and
 - 7.2.14 Retaliatory actions against any Participant involved in a Complaint or the Complaint Management Process pursuant to Section 16.0 herein.
- 7.3 **Criminal Charges:** A criminal charge laid against a Participant for any of the following Criminal Code offenses, in any jurisdiction, will result in the immediate suspension of such Participant from KGTC, by the KGTC Board of Directors, in accordance with the Bylaws, and/or removal from KGTC Activities at KGTC's sole discretion, pending the outcome of such criminal charges:
- 7.3.1 Any child pornography offences;
 - 7.3.2 Any sexual offences;
 - 7.3.3 Any offence of physical or psychological violence;
 - 7.3.4 Any offence of assault; or
 - 7.3.5 Any offence involving trafficking of illegal drugs.

A Criminal Code conviction of a Participant in any jurisdiction for any of the foregoing will result in the immediate expulsion or termination of employment of such Participant by the Board of Directors of KGTC, following the process set forth in the Bylaws or by applicable employment laws in the case of KGTC Personnel.

8.0 APPOINTMENT OF A CASE MANAGER

Within five (5) business days of the date KGTC receives a Complaint, the Complaint shall be assigned by KGTC to a Case Manager.

9.0 INFORMAL RESOLUTION OR REFERRAL TO ADR

- 9.1 **Informal Resolution:** Where a Complaint alleges, on its face, a Minor Infraction (as determined in the sole discretion of the Case Manager), the Case Manager may attempt to resolve the Complaint informally, including with respect to making a Decision and the imposition of disciplinary sanctions. If Informal Resolution is successful, the Case Manager shall communicate and confirm the resolution of the Complaint, and any disciplinary sanctions issued, to the Complainant, the Respondent, and to KGTC, and keep such communication in the records of KGTC. If a resolution of the Complaint is not achieved through Informal Resolution, the Case Manager shall proceed to continue to address the Complaint pursuant to this Policy.
- 9.2 **Referral to ADR:** At any time during the Complaint, Hearing, enforcement or discipline process, the Case Manager or any of the Parties may request and, by mutual agreement, refer the Complaint to alternative dispute resolution (“ADR”), pursuant to the ***Alternative Dispute Resolution Policy***. Should the Parties not agree to pursue ADR, or if either Party chooses to forego ADR, the Complaint shall continue to be addressed under this Policy.

10.0 CASE MANAGER - PRELIMINARY STEPS

The Case Manager assigned to the Complaint shall conduct a preliminary review of the Complaint as submitted, with a view to making the following preliminary determinations in his or her sole discretion:

- 10.1 **Jurisdictional Determination:** The Case Manager may review the jurisdictional selection of KGTC and redirect the Complaint to another sport organization (GymBC, GymCAN, BC Diving, Diving Plongeon Canada) if the Case Manager concludes that another sport organization should handle the Complaint pursuant to their policies and procedures. In this case, the Case Manager will direct the Complainant to an appropriate contact at such other sport organization. Clarifying information about how the Complaint has been addressed to date by KGTC may be sought by the Case Manager to assist in determining the appropriate jurisdiction or path for the Complaint.
- 10.2 **Frivolous, Vexatious or Weaponized Complaints:** Whether the Complaint is, on its face, a Frivolous, Vexatious or Weaponized Complaint. Complaints that are determined to be a Frivolous, Vexatious or Weaponized Complaint may be dismissed at this stage in the sole discretion of the Case Manager. The Case Manager shall timely communicate the Decision to dismiss the Complaint on this basis to the Complainant, Respondent and to KGTC.
- A Complainant who submits a Frivolous, Vexatious or Weaponized Complaint or accusation that is determined through an investigation to be false or “without merit” shall be responsible for all costs incurred by KGTC in managing the Complaint pursuant to the Complaint Management Process and may themselves be subject to disciplinary sanctions pursuant to this Policy, where such sanction may include suspension or expulsion from KGTC.**
- 10.3 **Notice to Respondent:** To ensure procedural fairness, it is a requirement under this Policy for the Case Manager to provide notice to the Respondent of the Complaint, which notice shall at a minimum contain the following:
- 10.3.1 A copy of the Complaint as submitted; and

- 10.3.2 Confirmation as to the number of independent persons to be appointed to the Panel and the expected time frame for such appointment.

11.0 REPRESENTATION BY A THIRD-PARTY

At any stage in the process outlined in this Policy, any Party may designate another (uninvolved) Third-Party of their choice, including but not limited to legal counsel, to represent them in the processes outlined herein.

12.0 NOMINATION OF PANEL AND CONDUCT OF HEARING

- 12.1 **Nomination of a Panel:** Following the completion of the steps set forth in Section 10.0 and the selection of representation pursuant to Section 11.0, the Case Manager shall appoint a Panel which shall consist of one (1) independent person, and in certain circumstances, in the sole discretion of the Case Manager, the Panel shall consist of three (3) independent persons. If a Panel of three (3) persons is appointed, the Case Manager will appoint one of the Panel's members to serve as the chairperson of the Panel. The Panel shall hear and adjudicate and render a Decision on the Complaint and impose disciplinary sanctions, if applicable.
- 12.2 **External Advice:** In fulfilling its duties, the Panel may obtain independent advice, including legal or such other expert advice as is deemed to be necessary or advisable. KGTC shall be responsible for the costs of such external advisors.
- 12.3 **Purpose of a Hearing:** The Panel is responsible for holding a Hearing, for the purpose of determining whether a breach or violation of any KGTC Policy as alleged within the Complaint has occurred, and the appropriate disciplinary sanctions, including the time frame applicable to such sanctions, if applicable.
- 12.4 **Format of Hearing:** The Case Manager has the sole discretion to determine whether the resolution of the Complaint shall proceed by way of a Documentary Hearing or an Oral Hearing.
- 12.5 **Waiver of Hearing:** If at any time the Respondent acknowledges the underlying allegations contained in a Complaint, the Respondent may waive the Hearing, in which case the Panel will proceed to determine the appropriate disciplinary sanction(s). The Panel may still hold a Documentary or Oral hearing for the limited purpose of determining the appropriate disciplinary sanction(s).
- 12.6 **Hearing Procedures:** Hearings will be governed by the procedures that the Panel deems appropriate in the circumstances, provided that the following shall always apply:
- 12.6.1 Timelines will be established and adhered to that ensure procedural fairness.
- 12.6.2 If a Party to the Complaint is a Minor, the Minor must have a parent or guardian present if the hearing is an Oral Hearing.
- 12.6.3 The Panel shall review all relevant KGTC Policies and other relevant sources of information.
- 12.6.4 Copies of any written documents that any Party wishes to have the Panel consider will be provided to all other Parties in advance of the Hearing.
- 12.6.5 Any Decision will be by a majority vote of Panel members.
- 12.6.6 In the case of an Oral Hearing, the Parties will be given appropriate notice of the day, time, and place of the Hearing and whether such Oral Hearing shall be conducted in-person, by telephone, by video conference or by other electronic means.
- 12.6.7 **Participation in a Hearing:** If a Party chooses not to participate in a Hearing, the Hearing will

proceed in any event and all Parties will be bound by the Decision.

13.0 OTHER PROCEEDINGS AND RECOGNITION OF SANCTIONS

13.1 **Facts Accepted by Courts or Professional Disciplinary Tribunals:** Facts accepted by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence in the enforcement process under this Policy, as allowable by applicable law.

13.2 **Criminal Code Convictions:**

13.2.1 **Automatic Sanctions:** A Participant convicted of a Criminal Code offence for conduct considered to be Prohibited Behaviour shall be automatically sanctioned, subject to a right to challenge only the sanction.

13.2.2 **Convictions Under Appeal:** If a Criminal Code conviction is under appeal, the Participant shall continue to serve the automatic sanction until such time as the conviction is overturned and is not subject to a further appeal, or the sanction is completed, whichever is earlier.

13.2.3 **Convictions Successfully Overturned:** If the Criminal Code conviction is successfully overturned, violations of Policy arising from the same situation may still be asserted and sanctions imposed against the Participant. In such cases, evidence of facts accepted by the criminal court shall be admissible within the applicable enforcement process, as allowable by applicable law.

13.3 **Findings from Other Proceedings:**

13.3.1 A Participant shall also be deemed to have violated the UCCMS and ***Maltreatment & Discrimination Policy*** of KGTC if found guilty of an offence or of misconduct considered to be Prohibited Behaviour by:

- i. a foreign criminal court;
- ii. a professional disciplinary tribunal of competent jurisdiction; or
- iii. a Provincial or National sport organization's enforcement process with jurisdiction over KGTC, or a specialized sports tribunal.

13.3.2 A Participant found guilty of an offence or of misconduct considered to be Prohibited Behaviour in another proceeding, shall be automatically sanctioned with consideration given to any sanctions imposed in such other proceeding, subject to a right to challenge:

- i. the sanction; or
- ii. the deemed violation, based on a violation of procedural fairness and/or natural justice in the relied-upon proceeding.

14.0 DISCIPLINARY SANCTIONS

14.1 **General:**

14.1.1 In all instances involving disciplinary sanctions, detail with respect to the disciplinary sanctions imposed shall be recorded in writing by the Panel, or the Case Manager as the case may be, at the direction of the Panel and communicated in writing to both the Complainant and the Respondent. Confirmation of the communication with the Complainant and the Respondent shall also be maintained in the Case Manager's final file with respect to the Complaint.

- 14.1.2 Unless the Panel decides otherwise, or in the event that disciplinary sanctions require the approval of the Board of Directors of KGTC pursuant to the Bylaws (for example, in the event of expulsion or termination of employment of a Participant), disciplinary sanctions will have immediate effect.
- 14.1.3 Failure to comply with a disciplinary sanction, as determined by the Panel in its sole discretion, will result in immediate referral to the Board of Directors of KGTC for suspension of membership (as set forth in the Bylaws), or suspension of employment, until such time as compliance occurs.

14.2 Temporary or Provisional Measures:

- 14.2.1 Prior to the final resolution of an alleged violation or breach of Policy, temporary or provisional measures may be imposed as set out herein.
- 14.2.2 Temporary or provisional measures should be evaluated with consideration to and weighing of the following factors:
- i. the seriousness of the allegations and the facts and circumstances of the case;
 - ii. the safety and well-being of Participants and the sport community;
 - iii. potential risks and prejudice from action and inaction, with safety being paramount; and
 - iv. the best interest of the sport and those who participate in it, including the views of the Participants directly impacted.

14.3 Types of Sanctions: Different incidents constituting a violation of Policy may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors as described in Section 14.5. However, progressive discipline is not required, as a single occurrence of Prohibited Behaviour can lead to a very significant sanction including suspension, expulsion or termination of employment. Subject to Section 14.4, if Prohibited Behaviour is confirmed one or more of the following sanctions may be imposed:

- 14.3.1 **Verbal or Written Apology:** The requirement that a Participant issue a verbal, written or online apology to acknowledge the Prohibited Behaviour and its impact on others.
- 14.3.2 **Verbal or Written Warning:** A verbal reprimand or an official, written notice and formal admonition that a Participant has violated Policy and that more severe sanctions will result should the Participant be involved in other violations.
- 14.3.3 **Education:** The requirement that a Participant undertake specified supplemental educational or similar remedial measures to address the Prohibited Behaviour.
- 14.3.4 **Probation:** A probationary period may include a loss of privileges or other conditions, restrictions, or requirements for a specified period of time. Any further violation of this Policy during the probationary period will result in additional disciplinary measures, likely including further suspension, expulsion or permanent ineligibility.
- 14.3.5 **Suspension:** Suspension, either for a set time or until further notice, from participating, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by KGTC. A suspended Participant may be eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.
- 14.3.6 **Eligibility Restrictions:** Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

- 14.3.7 **Permanent Ineligibility:** Permanent ineligibility to participate, in any capacity, in any program, activity, event, or competition organized or sanctioned by KGTC.
- 14.3.8 **Other Discretionary Sanctions:** Other sanctions for Prohibited Behaviour may be imposed, including, but not limited to, other loss of privileges, loss of right to attend or spectate KGTC Activities, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.
- 14.4 **Presumptive Sanctions:** The following sanctions are presumed to be fair and appropriate for the listed Maltreatment, but the Respondent may rebut these presumptions:
- 14.4.1 Sexual Maltreatment involving a Minor shall carry a presumptive sanction of expulsion or termination of employment and permanent ineligibility;
- 14.4.2 Sexual Maltreatment, Physical Maltreatment with contact, Grooming, targeted act of Discrimination or Racism, and incidents of Prohibited Behaviour as described in Sections 5.12 to 5.17 of the ***Maltreatment & Discrimination Policy*** shall carry a presumptive sanction of either a period of suspension or eligibility restrictions; and
- 14.4.3 While a Respondent has pending charges under the Criminal Code regarding allegations of a crime against a Participant, 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 Policy enforcement process or proceeding.
- 14.4.4 Failure to comply with a previously imposed sanction will result in automatic suspension until such time as compliance occurs.
- 14.5 **Sanctioning Considerations:**
- 14.5.1 Any sanction imposed against a Participant must be proportionate and reasonable, relative to the Maltreatment that has occurred. Factors relevant to determining appropriate sanctions for a Respondent include, without limitation:
- i. The nature and duration of the Respondent's relationship with the affected Participant or Participants, including whether there is a Power Imbalance or position of trust;
 - ii. The Respondent's prior history and any pattern of Prohibited Behaviour or other inappropriate conduct;
 - iii. Any previous disciplinary findings regarding, or sanctions against, the Respondent;
 - iv. Maltreatment of a Minor or of a Vulnerable Individual is to be considered an aggravating circumstance;
 - v. The age of the Participant or Participants involved, including when the Respondent is a Minor, whereby Maltreatment by a Minor of a child under the age of 12 or of a Vulnerable Individual is to be considered an aggravating circumstance;
 - vi. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - vii. The Respondent's voluntary admission of the violation(s), acceptance of responsibility for the Prohibited Behaviour, and/or cooperation in the applicable Policy enforcement process;
 - viii. Real or perceived impact of the incident on the affected Participant or Participants, KGTC or the gymnastics community at large;
 - ix. Deterrent effect on the future of such conduct;

- x. Potential impact on the public's confidence in the integrity of the Provincial or Canadian gymnastics sport system;
 - xi. Aggravating or mitigating circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the Policies of KGTC, addiction; disability; illness; lack of remorse; intent to harm);
 - xii. Whether the Respondent's continued involvement or participation in the sport of gymnastics is appropriate, based on the facts and circumstances that have been established;
 - xiii. Whether the Respondent was found to have committed any previous violation(s) of this Policy;
 - xiv. The desired outcomes of the Participant or Participants directly impacted by the Prohibited Behaviour; and
 - xv. Other mitigating and aggravating circumstances.
- 14.5.2 Any single factor relevant to determining appropriate sanctions for a Respondent, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
- 14.5.3 **Escalation of Sanctions:** Repeat Complaints against a Participant that are substantiated by a Panel will result in escalating seriousness of disciplinary sanctions in future sanctions/judgements. The Case Manager shall provide relevant information to the Panel with respect to the Participant's disciplinary history, which the Panel may then consider in making its Decision.
- 14.5.4 **Progressive Disciplinary Sanctions (KGTC Jurisdiction):** Pending on the severity, KGTC may choose to use progressive discipline to address Policy violations within the jurisdiction of KGTC. Progressive discipline allows KGTC to provide Participants an opportunity to correct any conduct or behaviour on a first offence and assess escalating disciplinary sanctions should such conduct or behaviour continue, prior to termination of membership or employment. The use of progressive discipline is not required and shall be determined in the sole discretion of KGTC, as a single Major Infraction or series of incidents characterized as a Minor Infraction can lead to expulsion or termination of employment. The table set out below provides a guideline of ***possible disciplinary sanctions that could be implemented*** for specific Policy violations within the jurisdiction of KGTC, which may also include a mandatory requirement to undertake specified supplemental educational or training requirements. ***Discretion should be applied in each case of a Policy violation at KGTC*** with specific deliberation of the sanctioning considerations set out in Section 14.5.

Possible Sanctions*	Policy Violation Examples
Written Warning	Intentional damage to property, single Minor Infraction of a Policy or Code of Conduct violation, and Policy violations not involving Maltreatment or Prohibited Behaviour
1 Week Suspension	Second offence of a Policy violation such as those listed above (or other policy violations not listed) • Use of prohibited or banned substances. • <u>Non-targeted</u> act of Racism.

30 Day Suspension	Second or Third offence of a Policy violation such as those listed above, depending on the severity of the Policy violation (or other Policy violations not listed) • Distribution of prohibited or banned substances. • <u>Targeted</u> Act of Racism.
Expulsion	Second or Third offence of a Policy violation such as those listed above, depending on the severity of the Policy violation (or other Policy violations not listed) • Failure of a KGTC Representative to disclose Conflict of Interest or meet their Reporting Obligation involving a Major Infraction. • Failure of a KGTC Representative to meet a Legal Duty to Report. • Repeated targeted acts against other Participants that constitute severe breaches of Policy. • Submitting a Complaint that a Case Manager determines to be a Frivolous, Vexatious, or Weaponized Complaint, or pursuant to an investigation is determined to be “false” or “without merit”.

**Other sanctions may be applied at the discretion of KGTC including a requirement to undertake specified mandatory educational requirements or training.*

Note:

- i. Travel Policy violations, or violations of Policies related to athlete participation, could result in the suspension of athletes from competing or attending events.
- ii. When two or more Policy violations occur simultaneously with the same Participant, the appropriate sanction should reflect the most serious of the violations (and is not intended to be cumulative) while documenting and addressing each Policy violation.
- iii. Major Infractions related to Maltreatment or Prohibited Behaviour are subject to the applicable Policy enforcement process of the governing body having jurisdiction.
- iv. Expulsion of a Member of KGTC is subject to resolution of the Board of Directors and the process set out within the Bylaws (Article 3.6 – Discipline of Members).

15.0 SUSPENSION PENDING A HEARING

- 15.1 **Infraction Alleged During a KGTC Activity:** If a Major Infraction is alleged to have taken place during an ongoing KGTC Activity, for example during a competition or training camp, a Complainant shall immediately notify a KGTC Representative or Responsible Delegate. The Responsible Delegate, in consultation with a KGTC Representative, where possible, having regard to the seriousness of the alleged infraction and the reasonableness of the basis upon which such allegation has been made, may impose an immediate suspension from the KGTC Activity for the remaining duration of the KGTC Activity only. A formal Complaint is then required to be submitted as soon as possible pursuant to this Policy, and further disciplinary sanctions may be determined as set out herein.
- 15.2 **Extraordinary Circumstances:** In the case of an allegation of a Major Infraction that, if substantiated, could result in a criminal investigation, Criminal Code charges or other law enforcement proceeding, a Panel may be constituted for the limited purpose of determining whether the suspension of the Respondent pending completion of a Hearing pursuant to this Policy is appropriate, or whether other measures can reasonably be taken to mitigate against any risk to KGTC, its Members/athletes and/or any member of the public. Should the Panel determine that suspension of membership or employment from KGTC pending a Hearing is necessary, this recommendation shall, on an urgent basis, be communicated to the Board of Directors of KGTC for a judgement pursuant to the Bylaws.

The Board of Directors shall act upon the recommendation of the Panel.

- 15.3 **General:** Any short-term or interim suspensions shall have clear limits and activity restrictions imposed on a Respondent (directly relevant to the seriousness of the alleged infraction), but that allow a Respondent to maintain as many aspects of their membership or employment with KGTC as possible pending a Hearing and a Decision by a Panel. The Panel, in consultation with the Case Manager, will consider and determine if suspensions issued under these circumstances can, should or are required to be disclosed to any other Participants.

16.0 DECISION OF THE PANEL

- 16.1 **Written Reasons:** Following the conclusion of a Hearing, the Panel will determine whether an infraction has occurred and, if so, the disciplinary sanctions to be imposed including any time period applicable to such sanctions. Within fifteen (15) business days of the Hearing's conclusion, the Panel shall provide their written Decision, with reasons, to the Case Manager for distribution to all Parties and to KGTC. In extraordinary circumstances, the Panel may first issue a verbal or summary Decision immediately or soon after the Hearing's conclusion, with the full written Decision to be issued by the end of the fifteen (15) business day period.
- 16.2 **Public Disclosure:**
- 16.2.1 The Decision of the Panel is confidential but may be communicated to other member clubs and other organizations, in confidence and/or in summary form at the discretion of KGTC, for the purposes of enforcing or administering the Decision. At the Panel's discretion, the Panel may decide that the Decision, or a redacted version of the Decision, may be a matter of public record. If the Panel concludes that only part of the Decision may be public record, the Panel will provide guidance regarding which sections of the Decision must be redacted.
- 16.2.2 This Policy has been drafted to substantially align with the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)* as published by the *Canadian Centre for Ethics in Sport (CCES)*. The CCES is responsible to independently administer the UCCMS through the application of the *Canadian Safe Sport Program (CSSP)* for federally funded, national-level sport organizations. The CSSP recognizes the CCES as the body mandated to independently administer and enforce the UCCMS for sport organizations, by receiving and responding to Reports of Prohibited Behaviour, and by developing and carrying out education, prevention and policy activities, including Safe Sport Environment assessments. The *Canadian Safe Sport Program Rules (CSSP Rules)* address the adoption by sport organizations of the CSSP, the process by which Reports of Prohibited Behaviour in sport will be administered and enforced by the CCES, and the role of the *Sport Dispute Resolution Centre of Canada (SDRCC)* in reviewing decisions made by the CCES. As such, a Participant who violates the UCCMS may also be subject to sanctions pursuant to policies of GymBC, GymCAN, BC Diving, Diving Plongeon Canada.
- 16.2.3 In accordance with the UCCMS (Section 8), the CCES will maintain a searchable public database (or registry) of respondents whose eligibility to participate in sport has in some way been restricted, along with summary information on the UCCMS/CSSP violation (without identifying the Reporting person and/or impacted person) and the restrictions imposed. The registry will include only those individuals who are subject to the CSSP Rules and will not include Minors. KGTC has an obligation and responsibility to collaborate with the provincial and national sport organizations having jurisdiction (i.e. GymBC, GymCAN, BC Diving, Diving Plongeon Canada) in cooperation with the CCES in maintaining such a registry.

16.2.4 Where disciplinary action is taken as a result of the resolution of a Complaint pursuant to a UCCMS enforcement process, details including a summary or redacted decision or summary or redacted investigation report, may be publicized in a manner consistent with the purpose and principles of the UCCMS, as well as applicable law.

16.3 **Compliance Required:** It shall be a condition of ongoing membership in good standing at KGTC, that all disciplinary sanctions rendered under this Policy be respected and complied with by the Respondent.

17.0 PROHIBITION AGAINST RETALIATION

Retaliation occurs when a Participant experiences or is subject to negative consequences due to Reporting or taking part in an investigation or related process. The Complainant and the Respondent have the right to participate in the Complaint Management Process without fear of retaliation. Retaliation against anyone who submits a Complaint or who participates in any aspect of the Complaint Management Process outlined in this Policy is strictly prohibited. Any Participant who experiences retaliation due to Reporting a Policy violation, an incident involving Maltreatment or Prohibited Behavior, or for taking part in an investigation or Hearing process, should Report such retaliation to KGTC as soon as possible. Acts of retaliation will be addressed as a Major Infraction.

18.0 REINTEGRATION

Where disciplinary sanctions have been issued by a Panel for a Major Infraction which resulted in the suspension of a Respondent from KGTC Activities, upon KGTC's request, the Respondent will meet with KGTC in order to discuss and plan for the Respondent's reintegration into KGTC Activities, in a forum as determined by KGTC.

19.0 RECIPROCITY

The nature of disciplinary sanctions (without other case information) issued by KGTC to a Respondent that may reasonably be considered to be relevant to GymBC/BC Diving or could or should reasonably impact a current or former Member/athlete from registering with another gymnastics/diving club, or current or former KGTC Representative from seeking employment with another gymnastics/diving club or other youth-serving PSO in Canada, shall be Reported to GymBC/BC Diving. Where GymBC/BC Diving is obligated, pursuant to the terms of any reciprocity agreement with GymCAN/Diving Plongeon Canada, to disclose the nature of any disciplinary sanctions imposed on a Participant, GymBC/BC Diving shall also do so.

20.0 CONFIDENTIALITY

20.1 **General:** Subject only to Section 16.2 which permits a Panel to decide if its final Decision is to be a matter of public record, the receipt of a Complaint and the details of the Complaint itself shall be treated as confidential and shall not be disclosed by KGTC or by the Case Manager to anyone, except in accordance with this Policy. All information with respect to the Complaint and the Hearing and discipline process shall be, and is required by all Parties in the process to be treated as confidential, and shall not be disclosed to anyone, except as otherwise set out herein. Until a final Decision has been made by the Panel, Disclosure of any information with respect to the Hearing and disciplinary process shall be limited to the following persons, who are subject to the confidentiality and non-disclosure restrictions contained in the preceding sentence:

20.1.1 the Case Manager;

20.1.2 the Parties (and their designated representative(s), if applicable);

20.1.3 the Panel;

20.1.4 those KGTC Personnel or KGTC Representatives who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process; and any

independent legal advisors consulted by the Panel in the discharge of their responsibilities pursuant to this Policy.

20.2 Any breach of confidentiality shall itself be subject to discipline as set forth in this Policy.

20.3 **Limited Disclosure as Required by Law:** Where a Complaint alleges any physical or sexual abuse of a Minor or Vulnerable Individual, KGTC is legally obligated to contact the parents or legal guardians of the Minor or Vulnerable Individual and/or relevant law enforcement and/or child welfare authorities. Such Disclosure is permissible pursuant to this Policy.

21.0 APPEALS

The following determinations pursuant to this Policy are not appealable:

- 21.1 The appointment of the Case Manager; except on the basis of the existence of a Conflict of Interest or bias;
- 21.2 The Case Manager's determination of jurisdiction over a Complaint;
- 21.3 The dismissal of a Complaint on the basis that it is a Frivolous, Vexatious or Weaponized Complaint;
- 21.4 The decision of the Case Manager to proceed by way of a Documentary or an Oral Hearing; and
- 21.5 The Case Manager's selection of the member(s) of the Panel, except on the basis of the existence of a Conflict of Interest or bias.

The Decision of the Panel may be appealed in accordance with the ***Appeals Policy & Procedure***.

Appendix A: Complaint Submission Form

(Submit the complaint form with any attachments (3-page form))

SECTION 1: Complainant – Person who is making the Complaint		Anonymous	
Name:		Date of Submission to KGTC:	
Phone:	Email:	Member Club:	
Is this Complaint being made on behalf of a Minor? Yes No			
If yes, provide the name and age of the Minor:			
SECTION 2: Respondent - Person or entity against whom the Complaint is being made			
Name:		Role:	
Phone:	Email:	Member Club:	
Is the Respondent a Minor? Yes No			
Name of parent/guardian or designated representative of Minor:			
Complaint: Describe the incident(s) in detail, including dates, locations, witnesses, and all pertinent information. (Include any additional information or supporting documentation relevant to the Complaint - attach additional pages if necessary)			

FOR KGTC PERSONNEL

Date received:	Received by:	Name of Case Manager assigned:	Internal	External
	General Manager			
	Technical Director		Phone:	
	BOD		Email:	
Company:				

Policy Infraction: Specify the relevant name and sections of the Policy or Policies of KGTC alleged to have been breached.

Complaint alleges or describes a breach of the following KGTC Policies:

FOR CASE MANAGER

Does the Complaint allege a Major Infraction or Minor Infraction?	Major	Infraction	Minor	Infraction
Does the Complaint fall within the jurisdiction of KGTC?	Yes		No (refer)	
Is the Complaint a Frivolous, Vexatious or Weaponized Complaint?	Yes (dismiss)		No	
Is the information included in the Complaint complete/sufficient to proceed?	Yes		No	
Does the Complaint warrant an investigation?	Yes		No	

Next Steps - Case Manager

1. Communication to Complainant and Respondent of receipt of the Complaint and preliminary process information:
Yes Date: _____
2. Communication to Complainant regarding the potential sanction should the Complaint be determined to be Frivolous, Vexatious or a Weaponized Complaint or through investigation found to be false or “without merit”?
Yes No
3. Advise that the Complaint has been dismissed and basis for dismissal? Yes Date: _____
4. Proceed to resolve Complaint by:
Informal Resolution ADR Complaints, Hearings and Discipline Policy & Procedure
Date: _____
5. Investigation commenced pursuant to the Investigations Policy & Procedure?
Yes Date: _____ Not Required
6. Appointment of Panel pursuant to the Complaints, Hearings and Discipline Policy & Procedure?
Yes Date: _____ Not Required
7. Determination of format of Hearing? Yes Not Required
Format: Oral Hearing Documentary Hearing Date of Hearing: _____
8. Panel Decision completed? Yes Date: _____
9. Decision of Panel and report received by KGTC? Yes Date: _____
10. Decision of Panel communicated to Respondent and Complainant? Yes Date: _____
11. Decision subject to appeal? Yes No

SECTION 3: Complaint Resolution: Describe the Decision or resolution of the Complaint and any disciplinary sanctions issued.

Appendix B: Case Manager - Description of Duties & Responsibilities

General

1. Where applicable under the Complaint Management Process, KGTC may be required to appointment a Case Manager. This description of duties and responsibilities outlines the role, identity, responsibilities, and tasks of the Case Manager.

Terminology – Complaints and Appeals

2. The Case Manager has a role with respect to Complaints submitted to KGTC as well as with respect to appeals of a Decision made by KGTC or by a Panel on behalf of KGTC. For convenience, in this description, Complaints and appeals are referred to together as “disputes”.

Identity

3. The Case Manager is appointed by KGTC in their sole discretion. The appointment of the Case Manager does not need to be approved by any of the other Parties involved in a Complaint.
4. Wherever possible, for cost reasons and for the efficient management of Complaints, the Case Manager will be a KGTC Representative who is experienced in KGTC’s Complaint Management Process. In some cases, where a KGTC Representative is unavailable, or may be perceived to be non-independent, biased, or in a Conflict of Interest position, an independent Third-Party (external to KGTC and free from any Conflict of Interest in relation to the Complaint) will be appointed as Case Manager. If the factual circumstances of a Complaint are complex, or if a Party to the Complaint is an employee of KGTC or a member of the Board of Directors of KGTC, an independent Third-Party Case Manager will be appointed.
5. The Case Manager shall be experienced with the management of disputes in an unbiased manner. The Case Manager must not be connected in any way to the issue being disputed and/or the outcome of the dispute.
6. Where a person acted as the Case Manager for a Complaint, that same person cannot act as the Case Manager for an appeal of that Complaint.

General Duties and Responsibilities

7. The Case Manager’s primary role is to manage the administrative aspects of handling a dispute, such as making the preliminary determinations set forth in the applicable Policy, notifications to and communications with the Parties, requests for information, scheduling, etc.
8. The Case Manager shall not act as the Panel and shall not engage in a substantive review of the dispute (except in the limited fashion necessary for making the required preliminary determinations) or participate in the Panel’s decision-making process.

Discretion of Case Manager

9. Following receipt of a Complaint by KGTC and KGTC’s appointment of a Case Manager, the Case Manager is required to make a number of preliminary determinations. The Case Manager shall exercise their discretion in making such preliminary determinations, in particular, in determining whether KGTC has jurisdiction over the dispute, and whether the dispute is Frivolous, Vexatious or a Weaponized Complaint. In making the required preliminary determinations, the Case Manager shall refer to the applicable KGTC Policies. At this stage, the Case Manager should consider the motivations of the Complainant/Appellant and if the dispute appears to be motivated by personal interest, political or personal agenda, bias, or a grudge held against KGTC or the Respondent.

10. In the case of an appeal, the Case Manager is not acting as the Appeal Panel and determining the merits of the appeal, but instead is simply determining whether the Appellant may have properly shown that any error, as described in the Appeal Policy, has been made.

Hearing Format – Discretion

11. The Case Manager is required to exercise their discretion to determine the format of the Hearing. Hearings typically take the following forms, in order of usual or expected frequency:
 - a) Written submissions; or
 - b) Conference call or videoconference;
 - c) Conference call together with written submissions; or
 - d) In person (extremely rare).
12. 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; and
 - g) The cost of each respective form of hearing, in the context of all of the above factors.

Panel Appointment

13. The Case Manager is required to appoint a Panel of one (1) person, or three (3) in rare circumstances, to decide the issue. The person or persons appointed to a Panel should have the following characteristics:
 - a) Experience in dispute resolution;
 - b) Experience with sport disputes;
 - c) No connection to either Party; and
 - d) No connection with KGTC that would constitute a conflict of interest.
14. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable KGTC Policy. For example, if the applicable policy does not permit the Panel to suspend a Respondent indefinitely, then the Panel cannot sanction a Respondent in this manner.

Communication

15. Especially when conducting a Documentary Hearing, 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.
16. When coordinating an Oral Hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant/Appellant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.

Suggested Procedure for Handling Complaints

17. The Case Manager may implement the following procedure to facilitate the procedures set forth in the applicable Policy:
 - a) Receive the written Complaint;
 - b) Determine whether the Complaint is Frivolous, Vexatious, or a Weaponized Complaint, and whether the Complaint is within the jurisdiction of KGTC;
 - c) Notify the Complainant of the appointment as the Case Manager, and that the Complaint will be disclosed to the Respondent and to the Panel. Determine if there is additional evidence or written submissions required to supplement the Complaint. If so, provide a deadline for receipt. (After this step, the Complainant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel);
 - d) Notify the Respondent of the receipt of a Complaint and the appointment of the Case Manager. Communicate to the Respondent that any submissions will be provided to the Complainant and Panel. Provide the Respondent within the timeframes set out in the applicable policy to submit a response 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 with an opportunity 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 new evidence submitted in a rebuttal;
 - f) Appoint the Panel;
 - g) Determine the format for the Hearing and organize the Hearing;
 - h) Ensure the Panel renders a written Decision within a prescribed timeline; and
 - i) Distribute the Decision to the Parties and to KGTC.

Policy Name: APPEALS POLICY		Date of Approval: June 18, 2025	Activation Date: June 18, 2025
Approved By: KGTC Board of Directors	Version: Version 2.0 (2025)		
Review Cycle: Reviewed annually by the KGTC Governance Committee with any recommended amendments to be approved by the KGTC Board of Directors.			

1.0 PURPOSE OF THIS POLICY

The purpose of this Policy is to outline a fair, expeditious and affordable process for the appeals of a Decision made by KGTC or a Panel, as applicable.

2.0 KGTC'S COMMITMENT AND EXPECTATIONS

KGTC is committed to providing an appeal process that is consistent with principles of natural justice. Wherever possible and appropriate, KGTC intends for this process to be straightforward and accessible, without resulting in a need or requirement for regular recourse by the Parties to external legal counsel or processes.

3.0 APPLICATION OF THIS POLICY

- 3.1 This Policy applies to:
 - 3.1.1 A Decision made by a Panel pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***; and
 - 3.1.2 A Decision made by KGTC as a part of the ***Complaints, Hearings and Discipline Policy & Procedure***.
- 3.2 Appeals will only be accepted if they are in response to a Decision as described in Section 3.1 above.
- 3.3 Appeals of other matters (e.g., technical decisions, selection criteria, eligibility, participation, or any other non-disciplinary matter) shall be addressed by KGTC as a Concern and do not fall under this Policy.

4.0 APPEAL SUBMISSION REQUIREMENTS

- 4.1 **Deadline for Submission:** An appeal of a Decision that falls within Section 3.1 of this Policy shall be submitted by the Appellant to the Case Manager **within ten (10) business days** from the date on which the Decision being appealed was received by the Appellant. The appeal must contain the following information:
 - 4.1.1 Contact information of Appellant;
 - 4.1.2 Identification of the Decision being appealed;
 - 4.1.3 Detailed reasons or grounds upon which the Decision is being appealed;
 - 4.1.4 Evidence the Appellant is relying on in support of the appeal, including references to applicable KGTC Policies;
 - 4.1.5 A description of the remedy sought; and
 - 4.1.6 A \$250 Appeal Hearing fee payable to KGTC, which will be refunded if the appeal is upheld.

- 4.2 **Extension of Time:** An Appellant may request an extension to the deadline set forth in Section 4.1. The extension request must be received by the Case Manager prior to the expiry of the **ten (10) business day** period and must state the reasons for the requested extension and the requested length of time of the extension requested. A judgement to allow, or not allow, an extension is at the sole discretion of the Case Manager and may not be appealed.
- 4.3 **Notice to Respondent and Affected Parties:** The Case Manager shall, within three (3) business days of receipt of the submissions of the Appellant, notify the Respondent and any other Affected Parties that an appeal has been submitted by the Appellant.

5.0 GROUNDS FOR APPEAL

- 5.1 An appeal of a Decision itself cannot be appealed. **An appeal may only proceed pursuant to this Appeals Policy if there are sufficient grounds for appeal.** Sufficient grounds for an appeal exist where the Case Manager or Panel (or KGTC, in the case of appeal of a Decision made by KGTC) is alleged to have:
- 5.1.1 Made a Decision that it did not have authority or jurisdiction to make, or which exceeded its authority or jurisdiction;
 - 5.1.2 Failed to follow KGTC Complaint Management Process; or
 - 5.1.3 Made a Decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that KGTC, the Case Manager, or Panel was unable to consider other views).

The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, that the grounds for an appeal are substantiated as described in this Section 5.0.

6.0 PRELIMINARY SCREENING OF APPEALS BY CASE MANAGER

- 6.1 **Preliminary Steps:** Upon receipt of a “notice of intention” to appeal and documents describing the grounds for the appeal of a Decision as set forth in Section 3.1 above, including the prescribed fee, the Case Manager will:
- 6.1.1 Determine if the appeal was submitted within the prescribed time frame;
 - 6.1.2 Determine if the appeal falls under the scope of the Appeals Policy; and
 - 6.1.3 Determine whether there may be sufficient grounds for the appeal.
- 6.2 **Judgement to Proceed:** If the Case Manager determines that all criteria listed in Section 6.1:
- 6.2.1 has been satisfactorily met, the appeal will proceed to a Hearing as set forth in this Policy; or
 - 6.2.2 has not been satisfactorily met, the Appellant will be notified, in writing, of the reasons for this determination and the appeal will not proceed further.

This Decision of the Case Manager may not be appealed.

- 6.3 **Identification of Affected Parties:** In order to ensure the identification of any Affected Parties, the Case Manager will engage KGTC, the Appellant and the Respondent for their input on identifying any Parties or Participants involved who qualify as a Affected Parties in relation to the appeal. The Case Manager will then consider and determine who is an Affected Party in their sole discretion.
- 6.4 **Notification to Parties:** Within five (5) business days of receipt of the appeal submissions, the Case Manager shall notify the Parties as to the determination made pursuant to Sections 6.2 and

6.3 of this Policy.

7.0 NOMINATION OF APPEAL PANEL AND CONDUCT OF APPEAL HEARING

- 7.1 **Nomination of an Appeal Panel:** Following the Case Manager's ruling pursuant to Section 6.1, the Case Manager shall appoint an Appeal Panel which shall consist of one(1) independent person, responsible for hearing and rendering a Decision on the appeal. In fulfilling its duties, the Appeal Panel may obtain independent advice, including legal or such other expert advice as is deemed to be necessary or advisable.
- 7.2 **Format of Hearing:** The Appeal Panel has the sole discretion to determine whether the Appeal Hearing shall proceed by way of a Documentary Hearing or an Oral Hearing.
- 7.3 **Appeal Hearing Procedures:** The Appeal Hearing will be governed by the procedures that the Appeal Panel deem appropriate in the circumstances, provided that the following shall always apply:
- 7.3.1 Timelines will be established and adhered to that ensure procedural fairness.
 - 7.3.2 The Appeal Panel shall review all relevant KGTC Policies and other relevant sources of information.
 - 7.3.3 Copies of any written documents which the Parties wish to have the Appeal Panel consider will be provided to all Parties in advance of the Appeal Hearing. Redactions may be made at the discretion of the Appeal Panel, where appropriate, having regard to privacy considerations and the context of the Complaint generally, for example where the identification of a Vulnerable Individual may be undesirable.
 - 7.3.4 In the case of an Appeal Hearing by Oral Hearing format:
 - i. the Parties will be given appropriate notice of the day, time, and place of the Appeal Hearing and whether such Appeal Hearing shall be conducted in-person, by telephone, by videoconference or by such other electronic means.
 - ii. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
 - iii. the Appeal Panel may request that the Parties, and any other Affected Parties, provide written submissions in advance of the Appeal Hearing.
- 7.4 **External Advice:** Support will be provided to the Appeal Panel by external legal counsel or other external third parties, such as subject-matter experts, if appropriate and as-needed, having regard to the seriousness of the allegations in the Complaint and the complexity of the Complaint and investigation.

8.0 DECISION OF THE APPEAL PANEL

- 8.0 **Limit of Authority:** In making its Decision, the Appeal Panel will have no greater authority than that of the original Panel or other decision-maker (in the case of a Decision made by KGTC). The Appeal Panel may decide to:
- 8.0.1 Reject the appeal and confirm the Decision being appealed; or
 - 8.0.2 Uphold the appeal and modify the Decision.

- 8.1 **Authority to Assess Costs:** All costs incurred by KGTC in managing an appeal of a Decision made by KGTC pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure*** process shall be borne by the Appellant, unless the appeal is upheld, where in such event all costs of the appeal process shall be borne by KGTC. For an appeal of a Decision which was not made by KGTC (i.e. Decision made outside of KGTC's jurisdiction), the Appeal Panel has the authority to determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Appeal Panel will consider the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.
- 8.2 **Written Reasons:** Within seven (7) business days of the Appeal Hearing's conclusion, the Appeal Panel's written Decision, with reasons, will be distributed to the Case Manager who will distribute it to the Parties and to KGTC. In extraordinary circumstances, the Appeal Panel may first issue a verbal or summary Decision immediately or soon after the Appeal Hearing's conclusion, with the full written Decision to be issued by the end of the seven (7) business day period. The Decision of the Appeal Panel will be considered a matter of public record, with appropriate redactions made to ensure privacy, where applicable, unless decided otherwise by the Appeal Panel.
- 8.3 **Decision of Appeal Panel is Final and Binding:** The Decision of the Appeal Panel will be binding on the Parties. Any further appeal or consideration of the issue shall only be permitted pursuant to applicable law, however, no action or legal proceeding will be commenced against KGTC or any of its Participants in respect of a disciplinary matter or an appeal unless KGTC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out herein.

9.0 CONFIDENTIALITY

- 9.1 **General:** Subject only to the sections of this ***Appeals Policy*** which permit the final appeal Decision itself to be a matter of public record, all other information with respect to the appeals process shall be, and is required by all Parties involved in the appeal process, to be treated as confidential and shall not be disclosed to anyone until the appeal has concluded, except as needed to follow this Policy. Until a final Decision has been made by the Appeal Panel, Disclosure of any information with respect to the appeal process shall be limited to the following persons, who are subject to the confidentiality and non-disclosure restrictions contained in the preceding sentence:
- 9.1.1 the Case Manager;
 - 9.1.2 the Parties involved in the appeal (and their designated representative(s), if applicable);
 - 9.1.3 the Appeal Panel;
 - 9.1.4 those KGTC Personnel or KGTC Representatives who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process, and
 - 9.1.5 any independent legal advisors consulted by the Appeal Panel in the discharge of his, her or their responsibilities pursuant to this Policy.
- 9.2 None of the forgoing persons or their representatives shall disclose any information relating to the appeal process or the underlying Complaint, Appeal Hearing or disciplinary process, to any person not listed above and not involved in the proceedings.
- 9.3 **Any breach of confidentiality shall itself be subject to discipline as set forth in the *Complaints, Hearings and Discipline Policy & Procedure*.**