

## VI. GYMNASTICS SASKATCHEWAN DISPUTE RESOLUTION POLICIES

### **A. APPLICATION**

Policies contained in this section:

Alternative Dispute Resolution  
Discipline  
Appeals  
Conflict of Interest

This policy applies to the above policies and the infractions that may arise during the course of Gymnastics Saskatchewan's business, activities and events.

Employers and member clubs are responsible to receive, investigate and rule on any complaints by their individual members regarding club concerns. Any incidents and complaints regarding club concerns submitted to Gymnastics Saskatchewan will be forwarded to the appropriate club/employer for investigation and resolution. Gymnastics Saskatchewan will provide assistance as it deems necessary and/or as required. Complainants may forward the complaint to Gymnastics Saskatchewan only after all club appeals are exhausted.

**All member clubs shall be required to have a current discipline, dispute resolution and/or harassment policy in place in order to remain a member in good standing. Member clubs may adopt Gymnastics Saskatchewan or Sask Sport policies for their use.**

The Chief Executive Officer (CEO) of Gymnastics Saskatchewan is responsible for overseeing the procedures set out in this policy and will at all times ensure that such procedures are carried out in a timely manner. In the event the CEO is unable to fulfill such responsibilities, the board of directors will appoint a designate.

Gymnastics Canada and its members (i.e. Gymnastics Saskatchewan and all other provincial/territorial gymnastics federations) have a reciprocity agreement that any suspension or expulsion of a registered participant shall be reciprocally applied across all jurisdictions in the country.

## Alternative Dispute Resolution

### Definitions

1. The following terms have these meanings in this Policy:
  - a) "Association" – **Gymnastics Saskatchewan**

### Purpose

1. The Association supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.
2. The Association encourages all individuals and parties to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Association believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques.

### Application of this Policy

3. This Policy applies to all disputes within the Association when all parties to the dispute agree that such a course of action would be mutually beneficial.

### Facilitation and Mediation

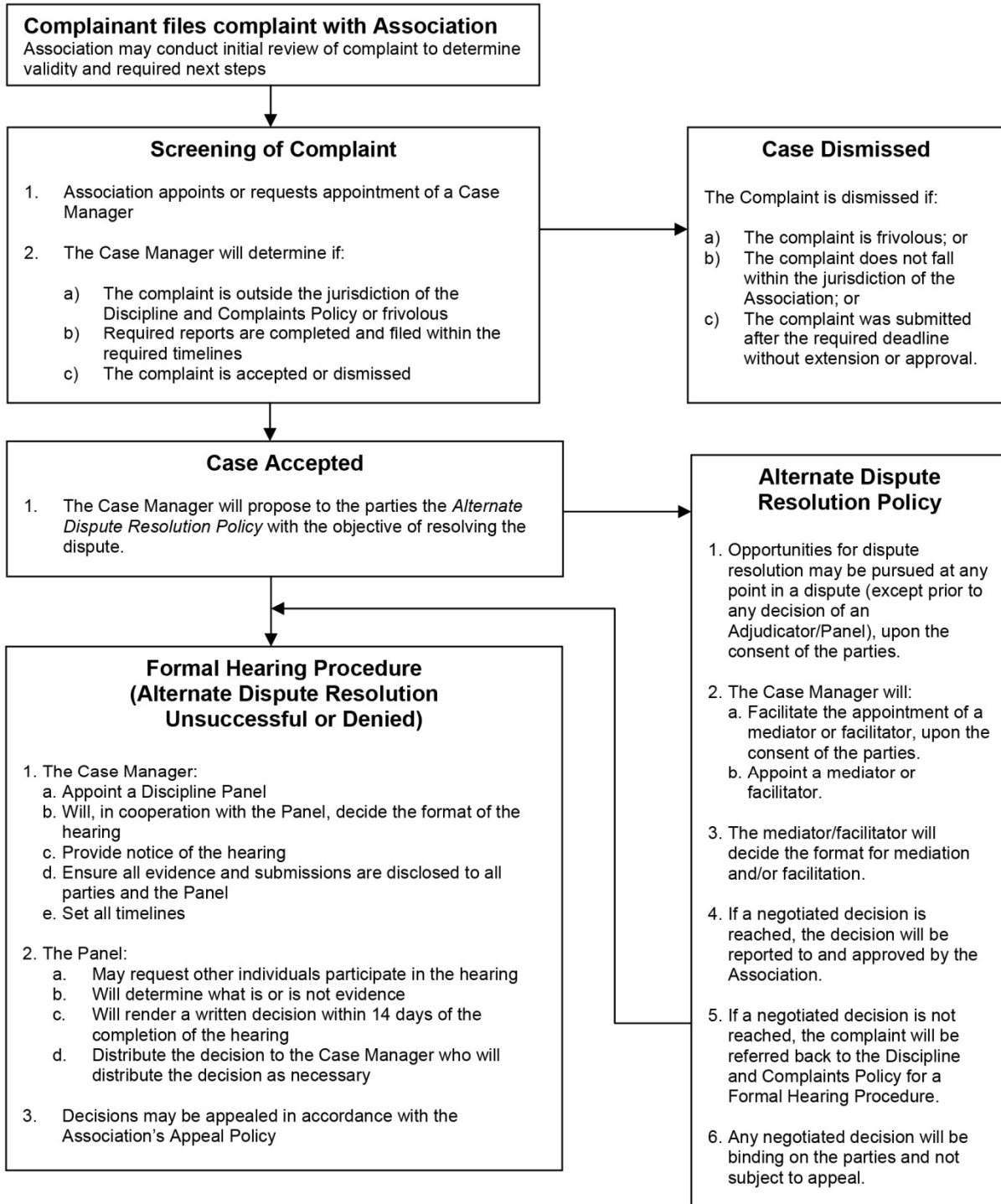
4. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator shall be appointed by the Association to mediate or facilitate the dispute.
5. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated.
6. Should a negotiated decision be reached, the decision shall be reported to, and approved by the Association.
7. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Association's *Discipline and Complaints Policy* or *Appeal Policy*.
8. The costs of mediation and facilitation will be shared equally by the parties or paid by the Association upon their sole discretion.

### Final and Binding

9. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
10. No action or legal proceeding will be commenced against Association or its Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by its governing documents.

## Discipline and Complaints Policy

# Discipline and Complaints Policy Flowchart



## Discipline and Complaints Policy

### Definitions

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

### Purpose

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

### Application of this Policy

3. This Policy applies to all Individuals relating to matters that may arise during the course of Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.
4. This Policies also applies to individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this policy will be determined by the Association at its sole discretion.
5. This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.
6. An employee of the Association found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the Association’s *Human Resources Policy*, as well as the employee’s Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

### Reporting a Complaint

7. Any Individual may report any complaint to the Association. A complaint must be in writing and must be filed within 30 days of the alleged incident. Complaints should be submitted to: CEO, Gymnastics Saskatchewan, 1870 Lorne Street, Regina, SK, S4P 2L7.
8. A Complainant wishing to file a complaint outside of the 30 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the timeline will be at the sole discretion of the CEO. This decision may not be appealed.
9. At the Association's discretion, the Association may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.
10. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.
11. Upon receiving a complaint, the Association's CEO will review the complaint to determine validity and required next steps.

### **Case Manager**

12. Upon the receipt and review of a complaint, the Association's CEO may appoint or request the appointment of an independent Case Manager to manage and administer complaints submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.
13. The Case Manager has a responsibility to:
  - a) Determine whether the complaint is within the jurisdiction of this Policy or frivolous
  - b) Propose the use of the Association's Alternate Dispute Resolution Policy
  - c) Appoint the Discipline Panel, if necessary
  - d) Coordinate all administrative aspects and set timelines
  - e) Provide administrative assistance and logistical support to the Panel as required
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

### **Procedures**

14. If the Case Manager determines the complaint is:
  - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
  - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and the applicable next steps.
15. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.
17. After notifying the Parties that the complaint has been accepted, the Case Manager will first, propose the Association's Alternate *Dispute Resolution Policy* with the objective of resolving the dispute. If

the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

18. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
  - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing and/or decision rendered
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel
19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
21. If a decision affects a 3<sup>rd</sup> party to the extent that the 3<sup>rd</sup> party would have recourse to a complaint or an appeal in their own right, that 3<sup>rd</sup> party will become a party and apart of the complaint procedure to the complaint in question and will be bound by the decision.
22. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

23. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision

to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

### **Sanctions**

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

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the Association
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all Association activities for a designated period of time
- g) Withholding of prize money or awards
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from the Association or from other sources
- j) Expulsion from the Association
- k) Any other sanction considered appropriate for the offense

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

26. Infractions that result in discipline will be recorded and records will be maintained by the Association.

### **Suspension Pending a Hearing**

27. The Association may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Panel.

### **Criminal Convictions**

28. An Individual's conviction for a *Criminal Code* offense, as determined by the Association, will be deemed an infraction under this Policy and will result in expulsion from the Association. Criminal Code offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

### **Confidentiality**

29. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

### **Timelines**

30. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

#### **Records and Distribution of Decisions**

31. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, Sask Sport Inc., etc., may be advised of any decisions rendered in accordance with this Policy.

#### **Appeals Procedure**

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

#### **Effect of Expulsion or Suspension**

33. When a person is expelled or suspended from the organization pursuant to this policy, that person is not eligible to serve any function within the organization or attend any organization activities. The expulsion or suspension will also apply to Gymnastics Canada's and other provincial gymnastics organizations' activities due to a reciprocity agreement between Gymnastics Saskatchewan and these organizations.

34. Member clubs who suspend or expel members as per club dispute resolution policies or processes are required to inform Gymnastics Saskatchewan in writing of such suspensions.

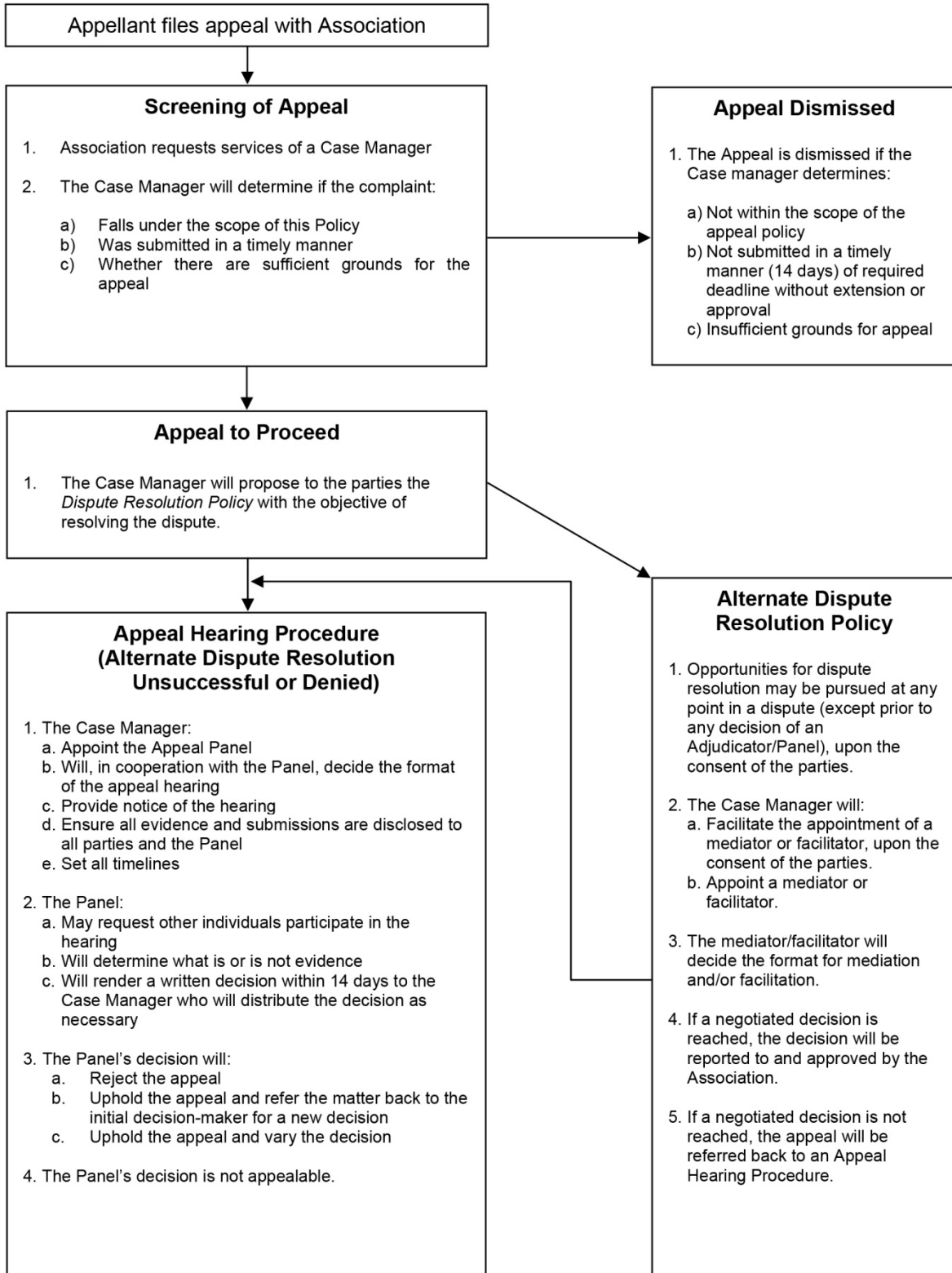
#### **Reinstatement**

35. A person who has been expelled may apply to the board for reinstatement. Subject to the bylaws, on receipt of an application of reinstatement the board shall review the application and, if in the opinion of the board the application discloses information that may justify reinstatement, the board may investigate the application by taking any steps it considers necessary. On completion of its review, the board may:

- Where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, direct that the person be reinstated under any terms and conditions that the board considers appropriate.
- Refuse to reinstate the person.



# Appeal Policy Flowchart



## Appeals Policy

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *"Appellant"* – The Party appealing a decision
  - b) *"Appeals Panel"* – A single person, or in extraordinary circumstances and at the discretion of the Case Manager, three persons, who will hear and decide the appeal.
  - c) *"Association"* – Gymnastics Saskatchewan
  - d) *"Case Manager"* – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Appeal Policy. The Case Manager will comply with the position description described in Appendix "A".
  - e) *"Days"* – Days including weekend and holidays
  - f) *"In writing"*- A letter, fax or email sent directly to the Association.
  - g) *"Individuals"* – All categories of membership defined in the Association's Bylaws, including clubs, teams as well as, all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
  - h) *"Respondent"* – The body whose decision is being appealed

### Purpose

2. The Association provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Association.

### Scope and Application of this Policy

3. Any Individual who is directly affected by an Association decision will have the right to appeal that decision; provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.
4. This Policy **will not apply** to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Budgeting and budget implementation
  - e) Operational structure and committee appointments
  - f) Volunteer appointments and the withdrawal or termination of those appointments
  - g) Decisions rendered by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)
  - h) Commercial matters
  - i) Decisions made under this Policy

### **Timing and Conditions of Appeal**

5. Individuals who wish to appeal a decision have 30 days from the date on which they received notice of the decision to submit, in writing to the Association, the following:
  - a) Notice of the intention to appeal
  - b) Contact information and status of the Appellant
  - c) Name of the Respondent and any affected parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports the appeal
  - i) Requested remedy or remedies
  - j) An appeal fee of five hundred dollars (\$500) which will be refunded if the appeal is successful, or forfeited if the appeal is denied.
6. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Case Manager and may not be appealed.
7. Appeals should be submitted to: CEO, Gymnastics Saskatchewan, 1870 Lorne Street, Regina, SK, S4P 2L7.

### **Case Manager**

8. Upon the receipt of an appeal, the Association will appoint an independent Case Manager to manage and administer appeals submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

### **Grounds for Appeal**

9. An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Case Manager. Sufficient grounds only include the Respondent:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents)
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
  - d) Made a decision that was grossly unreasonable
10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy.

### **Alternate Dispute Resolution**

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Appeals Committee may suggest, and the Parties may consent, the appeal to be heard under the Association's *Alternate Dispute Resolution Policy*.
12. Appeals resolved by mediation under the Association's *Alternate Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.

### **Screening of Appeal**

13. Should the appeal not be resolved by using the *Alternate Dispute Resolution Policy*, the Case Manager will have the following responsibilities:
  - a) Determine if the appeal falls under the scope of this Policy
  - b) Determine if the appeal was submitted in a timely manner
  - c) Decide whether there are sufficient grounds for the appeal
14. If the appeal is denied on the basis of insufficient ground, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant and the Association will be notified, in writing, by the Appeal Committee of the reasons for this decision. This decision may not be appealed.
15. If the Appeal Committee is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel (the "Panel") which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

### **Procedure for Appeal Hearing**

17. The Case Manager, in cooperation with the Panel, shall then decide the format under which the appeal will be heard. This decision may not be appealed.
18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:
  - a) The hearing will be held within a timeline determined by the Case Manager or the Panel
  - b) The Parties will be given reasonable notice of the day, time and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
  - c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - e) The Panel may request that any other individual participate and give evidence at the hearing

- f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
- h) The decision to uphold or reject the appeal will be by a majority vote of the Panel

19. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

20. In fulfilling its duties, the Panel may obtain independent advice.

### **Appeal Decision**

21. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
- a) Reject the appeal and confirm the decision being appealed
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
  - c) Uphold the appeal and vary the decision

22. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association within 14 days of the hearing's conclusion. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Confidentiality**

23. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

### **Final and Binding**

24. The decision of the Panel will be binding on the Parties and on all the Association's Individuals.

25. No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.

## **DISPUTE RESOLUTION - CASE MANAGER POSITION DESCRIPTION**

### **Purpose**

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

### **Policies**

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

### **Identity**

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

### **Discretion - Complaints**

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

### **Discretion - Appeals**

5. When an appeal is filed, the Case Manager is required to:
  - a) Propose the use of the Association's Alternate Dispute Resolution Policy
  - b) Determine if the appeal falls under the scope of the Appeal Policy
  - c) Determine if the appeal was submitted in a timely manner
  - d) Decide whether there are sufficient grounds for the appeal
  - g) Appoint the Panel, if necessary
  - h) Coordinate all administrative aspects and set timelines
  - i) Provide administrative assistance and logistical support to the Panel as required
  - j) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

6. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

#### **Discretion – Alternate Dispute Resolution**

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

#### **Hearing Format - Discretion**

8. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms:
  - a) In person
  - b) Conference call
  - c) Written submissions
  - d) Conference call + written submissions
9. In determining the format of the hearing the Case Manager should consider:
  - a) The distance between the parties
  - b) The animosity between the parties
  - c) The time commitment and location of the Panel
  - d) The timelines for a decision
  - e) The language barriers between the parties
  - f) The gravity of the complaint/appeal

#### **Panel Appointment**

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

#### **Communication**

12. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.
13. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

### **Suggested Procedure**

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



## Conflict of Interest Policy

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Association”* – Gymnastics Saskatchewan
  - b) *“Conflict of Interest”* – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Association, is influenced or could be influenced by personal, family, financial, business, or other private interests.
  - c) *“Individuals”* – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
  - d) *“In writing”*- A letter, fax or email sent directly to the Association.
  - e) *“Pecuniary Interest”* - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated.
  - f) *“Non-Pecuniary Interest”* - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.

### Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the Association. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the Association. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the Association is connected to their own “pecuniary” or “non-pecuniary” interests. That would be a conflict of interest situation.

### Purpose

3. The Association strives to reduce and eliminate nearly all instances of conflict of interest at the Association – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Individuals will conduct themselves in matters relating to conflict of interest, and will clarify how Individuals shall make decisions in situations where conflict of interest may exist.
4. This Policy applies to all Individuals.

### Obligations

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between an Individual’s personal interest and the interests of the Association, shall always be resolved in favour of the Association.

6. Individuals will not:
  - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Association, unless such business, transaction, or other interest is properly disclosed to the Association and approved by the Association.
  - b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment.
  - c) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise.
  - d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Association, if such information is confidential or not generally available to the public.
  - e) Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the Association, or in which they have an advantage or appear to have an advantage on the basis of their association with the Association.
  - f) Without the permission of the Association, use the Association's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Association.
  - g) Place themselves in positions where they could, by virtue of being an Association Individual, influence decisions or contracts from which they could derive any direct or indirect benefit.
  - h) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an Association Individual.

#### **Disclosure of Conflict of Interest**

7. Individuals shall disclose real or perceived conflicts of interest to the Association's Board immediately upon becoming aware that a conflict of interest may exist.
8. Individuals shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, officer or director.

#### **Minimizing Conflicts of Interest in Decision-Making**

9. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an Individual will be considered and decided with the following additional provisions:
  - a) The nature and extent of the Individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
  - b) The Individual does not participate in discussion on the matter.
  - c) The Individual abstains from voting on the decision.
  - d) For board-level decisions, the Individual does not count toward quorum.
  - e) The decision is confirmed to be in the best interests of the Association.
10. For potential conflicts of interest involving employees, the Association's CEO will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity

giving rise to the conflict. The Association will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with the Association or give rise to a conflict of interest.

### **Conflict of Interest Complaints**

11. Any person who believes that an Individual may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the Association's CEO who will as quickly as possible decide appropriate measures to eliminate the conflict.
12. The Association's decision as to whether or not a conflict of interest exists will be governed by the following procedures:
  - a) Copies of any written documents to be considered by the Board will be provided to the Individual who may be in a conflict of interest situation
  - b) The Individual who may be in a conflict of interest situation will be provided an opportunity to address the Association's Board orally or if granted such right by the Association's Board, in writing
  - c) The decision will be by a majority vote of the Association's Board
13. If the Individual acknowledges the conflict of interest, the Individual may waive the right to be heard, in which case the Association's Board will determine the appropriate sanction.

### **Decision**

14. After hearing and/or reviewing the matter, the Association's Board will determine whether a conflict of interest exists and, if so, the sanctions to be imposed.

### **Sanctions**

15. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest:
  - a) Removal or temporary suspension of certain responsibilities or decision-making authority.
  - b) Removal or temporary suspension from a designated position.
  - c) Removal or temporary suspension from certain teams, events and/or activities.
  - d) Expulsion from the Association.
  - e) Other actions as may be considered appropriate for the real or perceived conflict of interest.
16. Any person who believes that an Individual has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Association to be addressed under the Association's *Discipline and Complaints Policy*.
17. Failure to comply with an action as determined by the Board will result in automatic suspension from the Association until compliance occurs.
18. The Board may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

**Enforcement**

19. Failure to adhere to this Policy may permit discipline in accordance with the Association's *Discipline and Complaints Policy*.

