



NORTHWEST TERRITORIES BADMINTON ASSOCIATION

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DISCIPLINE POLICY AND APPEALS PROCEDURE

PART 1: THE CODE OF CONDUCT

The Northwest Territories Badminton Association (NWTBA or the Association) supports fair play, sportsmanship and broad based participation and believes those members participating at Association or on behalf of the NWTBA, should respect this intent by following the Association's Code of Conduct.

This Code of Conduct applies to all NWTBA athletes, coaches, officials and managers who participate in NWTBA events, tournaments and meetings.

All participants in NWTBA events have a duty to encourage and maintain themselves in a "reasonable and acceptable" manner, and are obligated to avoid all unsportsmanlike conduct, acts or practices which are, in the opinion of NWTBA, not in the interest of the sport of badminton.

A. Expected Conduct of Athletes

1. Treat team members and opponents with respect and play within rules.
2. Exercise self-control at all times.
3. Respect the decisions of the officials without gesture of argument.
4. Remember it is a privilege to represent his/her team.
5. An athlete shall not drink alcohol, smoke or chew tobacco or take illegal drugs during an NWTBA event or function.
6. An athlete is not to be involved in any intentional harmful acts toward opponents or facility property.
7. An athlete is not to use any rude or derogatory language during play or while in the tournament or housing facility.
8. An athlete is expected to accept any additional reasonable responsibility asked by the coach or tournament directors to assist with the operation of the tournament.

B. Expected Conduct of coaches, managers and other delegates, including officials where appropriate

1. Treat athletes and opponents with respect.
2. Inspire enjoyment of game and a desire to compete fairly.
3. Discipline those on the team who display unsportsmanlike behavior.
4. Respects the judgment and interpretation of the officials.
5. Is responsible for the conduct of athletes and their responsibility:
 - i. The coach or team leader is to ensure to the best of his/her capabilities that there will be no use of any alcohol or drugs by any athlete or students involved with the team during and NWTBA event,
 - ii. The coach or team leader is to discourage and if necessary, ensure the discontinuation of any behavior that could lead to injury of any persons or any property,
 - iii. The coach or team leader is to discourage and if necessary, ensure the discontinuation of the use of any rude or derogatory language from all persons under their control,
 - iv. The coach or team leader is to ensure the athletes are on time to play and meets any curfew requirements, and accepts all responsibilities asked of the team during tournaments.

"During and NWTBA event" covers all of the time period from leaving home until returning home after the event.

Disciplinary Action

Any athlete, coach or official who does not follow the Code of Conduct, in the opinion of event officials and NWTBA Executive, may face disciplinary action.

Disciplinary Guidelines

Disciplinary actions may include a member:

- Not being allowed to participate in the NWT Championships for a period of time;
- Not being allowed to participate in community or regional tournaments for a period of time;
- Not being allowed to represent the NWT at Arctic Winter Games, Western Canada Games, Canada Games and/or National Championships;
- Not qualifying for travel or other grants from the NWTBE;
- Being ejected from the Association for a period of time;
- Being expected to pay financial restitution.

All junior age (19 years and under) participants will have their parents notified as outlined in the code of conduct consent forms.

PART II: THE CODE OF CONDUCT REVIEW PANEL

Should there be a complaint concerning the conduct of a Member of the Association, the complaint is to be provided to the President. The President shall review the complaint and if it is his/her judgment that the complaint is reasonable and requires further investigation, he/she shall appoint an unbiased panel of three members of the Association to serve as the Review Panel. This panel shall consist of the President of the NWTBA (or designate) and two other Members in good standing that have no significant personal or professional relationship with either the complainant or respondent.

- Within 21 days of its appointment, the Review Panel shall convene a hearing that shall be governed by such procedures as the Panel decides.
- Both the complainant and respondent shall be given fourteen (14) days notice, in writing of the day, time and place of a hearing, which will either be held in person or via teleconference depending on circumstances. This decision shall be solely the responsibility of the Review Panel.
- Members of the Panel shall appoint a chairperson from amongst themselves.
- A quorum shall be all three Panel members.
- Decisions shall be by majority vote.
- Within 14 days of the hearing the Review Panel shall present its findings in a report to the NWTBA Board of Directors. The report shall include:
 - a) A summary of relevant facts
 - b) A determination whether the acts complained of constitute a breach of the Code of Conduct
 - c) Recommendations regarding disciplinary action against the respondent if the acts constitute a breach of the Code of Conduct
 - d) Recommendations regarding measures to remedy or mitigate future incidents of a similar nature
 - e) A copy of the report to both the complainant and respondent.

If the Review Panel determines the allegations of a breach of the Code of Conduct are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

In recommending disciplinary action the Review Panel may consider the following options, singly, in combination or others, depending on the severity of the breach of the Code of Conduct

- A verbal apology
- A written apology
- A letter of reprimand from the NWTBA
- Removal of certain privileges of membership or employment
- Expulsion from membership

APPEAL PROCESS:

Both the complainant and the respondent have the right to appeal the decision of the Code of Conduct Review Panel as per the Association's established Appeals Procedure.

PART III: THE HARASSMENT AND GENDER EQUITY POLICY

THIS POLICY APPLIES TO ALL EMPLOYEES, DIRECTORS, OFFICERS, VOLUNTEERS, ATHLETES, COACHES, OFFICIALS AND MEMBERS OF THE NWT BADMINTON ASSOCIATION. THIS POLICY APPLIES TO ALL INCIDENTS OF HARASSMENT THAT MAY OCCUR DURING THE COURSE OF ALL NWT BADMINTON ASSOCIATION BUSINESS, ACTIVITIES AND EVENTS.

Definitions:

Harassment: is a comment, conduct or gesture directed towards an individual or group of individuals that is insulting, intimidation, malicious, degrading or offensive. Harassment is prohibited by the *Canadian Charter of Rights and Freedoms* and by Human Rights legislation in the Northwest Territories.

Sexual Harassment: is unwelcome, unsolicited, unwanted remarks, gestures or actions of a sexual nature.

Sexual harassment most commonly occurs in the form of behavior by males towards females; however, can also occur as behavior by females towards males, between males and females.

Types of behaviors which constitute HARASSMENT include but are not limited to:

- Written or verbal abuse or threats;
- The display of visual material that is offensive or which one ought to know is offensive;
- Unwelcome remarks, jokes, comments, innuendo, taunting or questions about a person's looks, body, attire, age, race, religion, gender or sexual orientation;
- Leering, whistling, or other suggestive or obscene gestures;
- Condescending, paternalistic or patronizing behavior that undermines self-esteem, diminishes performance or adversely affects working conditions;
- Practical jokes that cause awkwardness or embarrassment endanger a person's safety or negatively affects performance.
- Unwanted physical contact including touching, pinching, petting, or kissing.
- Unwanted sexual flirtations, advances, requests or invitations;
- Physical or sexual assault.

A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome, offensive and contrary to NWTBA policy. If confronting the harasser is not possible, or after confronting the harasser the harassment continues the complainant should seek the advice of a harassment officer.

Retaliation against an individual for having filed a complaint under this policy, or for having participated or assisted in any procedure under this policy will not be tolerated by the NWTBA and will be treated as HARASSMENT for the purposes of this policy

CONFIDENTIALITY:

The NWTBA clearly recognizes and assures the interests of the complainant and alleged harasser involved in a harassment case, shall remain protected and kept strictly confidential. No information received shall be disclosed to outside parties, unless such disclosure is required by a disciplinary or other remedial process. Sport North understand it can be extremely difficult to come forward with a complaint of harassment and it can be devastating to be wrongfully accused of harassment.

COMPLAINANTS RIGHTS:

Individual who believe they are victims of harassment have the right:

- To file a complaint and obtain an investigation and resolution of their complaint through procedures established under this policy without fear of embarrassment or retaliation
- To be represented or accompanied by another person of their choice (including legal counsel) at any stage in the complaint process

If the Complainant is a minor, the complaint may be brought forward by a "Responsible Adult". The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:

- a) Making a complaint;
- b) Receiving all notices on behalf of the Complainant;
- c) Being present at all dealings with the Complainant.

If the Respondent is a minor, the following shall apply:

- a) If the Harassment Officer is attempting an informal resolution of a complaint, the Harassment Officer may speak to the Respondent directly concerning the complaint PROVIDED THAT prior to speaking to the Respondent the Harassment Officer shall inform the Respondent that he/she may have a Responsible Adult present during the meeting.
- b) If the complaint is referred to an Harassment Officer for investigations:
 - i. A copy of the written complaint shall be forwarded to a parent or guardian of the Respondent if such person is known;
 - ii. The Respondent shall be advised that he/she has the right to be represented by a Responsible Adult;
 - iii. The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including:
 - a. Responding to a written complaint;
 - b. Receiving all notices on behalf of the respondent; and
 - c. Being present at all dealings with the Respondent.

ALLEGED HARASSER'S RIGHTS:

A person against whom a harassment complaint has been made has the right:

- To be informed immediately and made aware of a complaint being made against him/her
- To be provided with a copy of any written complaint, or if no written complaint exists, to be provided with written particulars of the allegations
- To be afforded the opportunity to respond to the complaint
- To be represented or accompanied by another person of their choice (including legal counsel) at any stage in the complaint process

NWT BADMINTON ASSOCIATION RESPONSIBILITY:

The NWT Badminton Association Board of Directors shall be responsible for the implementation of this policy by:

- Discouraging and preventing harassment within the Federation and Territorial Sport Organizations;
 - Investigating formal complaints of harassment in a sensitive, responsible and timely manner;
 - Imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - Providing advice to persons who experience harassment;
 - Doing all in their power to support and assist any employee or member of a Territorial Sport Organization who experiences harassment by someone who is not an employee or member of the NWTBA;
 - Making all members and employees of the NWTBA aware of the problem harassment and in particular sexual harassment and of the procedures contained in this policy
 - Informing both complainants and respondents of the procedures contained in this policy and their rights under the law;
 - Regularly reviewing the terms of this policy to ensure that they adequately meet the NWTBA's legal obligations and public policy objectives.
- Appoint a Harassment Committee which will be composed of one male and one female, who are themselves member or employees of the NWTBA, to serve as officers under this policy.
- Ensure that officers appointed to the Harassment Committee receive appropriate training and support for carrying out their responsibilities under this policy.

ROLE OF HARASSMENT OFFICERS:

To serve in a neutral, unbiased, confidential capacity and to receive complaints, assist in informal resolution of complaints, investigate formal, written complaints and to recommend appropriate disciplinary and corrective measures to the Harassment Committee. The Harassment Officers shall be directly responsible to the Board of Directors of the NWTBA.

COMPLAINT PROCEDURE:

Upon receipt of a verbal or written complaint regarding the activities of a community club, the NWTBA shall forward the complaint onwards to the President of the Community Badminton Club whose member(s) is/are subject of the complaint so the incident(s) can be handled as per the Club's own Harassment Policy.

The NWTBA may take over the investigation of the complaint if:

- a) Requested to do so in writing by the Community Badminton Club in which it clearly outlines the complaint and all known details;
- b) The Community Badminton Club fails to take appropriate action.

Upon receipt of a verbal or written complaint regarding the activities of the NWTBA, the President of the Association shall:

- Turn the complaint over to one of the Association's appointed harassment officers;
- The Harassment Officer shall inform the complainant of:
 - a) The options for pursuing an informal resolution of his/her complaint,
 - b) The right to lay a formal, written complaint under this policy when informal resolution is inappropriate or not feasible,
 - c) The availability of counseling,
 - d) The Confidentiality provisions of this policy
 - e) The right to be represented by a person of choice at any stage in the complaint process,
 - f) The right to withdraw from any further action at any stage,
 - g) Other avenues of recourse, including the right to file a complaint with a human right commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.
- Upon receipt of a dated and signed formal, written complaint which clearly outlines the details of the incident(s), the names of any witnesses to the incident(s), the Harassment Officer shall, notify the respondent named in the complaint and within twenty one (21) days investigate the circumstances surrounding the complaint.
- As soon as possible after receiving the written complaint, but within 21 days, the Harassment Officer shall submit a report to the NWTBA Board of Directors containing all relevant documentation obtained during the course of the investigation, along with the recommendation that:
 - a) No information is available to substantiate the complaint and no further investigation is advised, or
 - b) The complaint should be investigated further.

A copy of this report shall be provided, without delay to both the complainant and respondent.

REVIEW PANEL:

Should the recommendation be to continue further investigation (b) above, the NWTBA shall appoint an unbiased panel of three members of the Association to serve as a case review panel. This panel shall consist of the President of the NWTBA and at least one male and one female who have no significant personal or professional relationship with either the complainant or respondent.

- Within 21 days of its appointment, the Review Panel shall convene a hearing that shall be governed by such procedures as the Panel decides.
- Both the complainant and respondent shall be given fourteen (14) days notice, in writing of the day, time and place of a hearing, which will either be held in person or via teleconference depending on circumstances. This decision shall be solely the responsibility of the Review Panel.
- Members of the Panel shall appoint a chairperson from amongst themselves.
- A quorum shall be all three Panel members.
- Decisions shall be by majority vote.
- Within 14 days of the hearing the Review Panel shall present its findings in a report to the NWTBA Board of Directors. The report shall include:
 - a) A summary of relevant facts
 - b) A determination whether the acts complained of constitute harassment as defined in this policy

- c) Recommendations regarding disciplinary action against the respondent if the acts constitute harassment
- d) Recommendations regarding measures to remedy or mitigate future incidents of harassment
- e) A copy of the report to both the complainant and respondent.

If the Review Panel determines the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

In recommending disciplinary action the Review Panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- A verbal apology
- A written apology
- A letter of reprimand from the NWTBA
- Removal of certain privileges of membership or employment
- Expulsion from membership

APPEAL PROCESS:

Both the complainant and the alleged harasser have the right to appeal the decision of the Harassment Committee as per the Associations' established Appeals Procedure.

PART IV: THE APPEALS PROCEDURE

1. Any member of the NWTBA who is affected by a decision of the Board, of any Committee of the Board, or of any body or individual who has been delegated authority to make decisions on behalf of the Board shall have the right to appeal that decision.
2. This Policy shall not apply to matters relating to the Rules of the Game, which may not be appealed.
3. Member who wish to appeal a decision shall have 10 days from the date on which they received notice of the decisions, to submit written notice of their intention to appeal, along with detailed reasons for the appeal, to the President of the Association.
4. An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds include the respondent:
 - a. Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
 - b. Failing to follow procedures as laid out in the bylaws or approved policies of the Association;
 - c. Making a decision which was influenced by bias;
 - d. Failing to consider relevant information or taking into account irrelevant information in making the decision;
 - e. Exercising its discretion for an improper purpose; and/or
 - f. Making a decision which was unreasonable.
5. Within 10 days of receiving notice of appeal the President (or designate) shall appoint three persons so constitute a Tribunal, in accordance with the following:
 - a. The Tribunal shall be comprised of members in good standing of the Association who shall have no significant relationship with the appellant, shall have had no involvement with the decision being appealed, and shall be free from actual or perceived bias or conflict.
 - b. At least one of the Tribunal member shall be from among the appellant's peers (for example, if the appellant is an athlete one Tribunal member shall be an athlete; if the appellant is a coach one Tribunal member shall be a coach, etc.)

- c. In appointing the Tribunal, consideration shall be given to the geographic location of the appellant, respondent and Tribunal members, in order to minimize the inconvenience and expense to all parties.
 - d. The appellant shall be given an opportunity to recommend one of the Tribunal members, provided the member satisfies criteria (a) and (c) above.
6. Within 7 days of its appointment the Tribunal shall review the notice of appeal and reasons for the appeal and shall decide whether or not there are sufficient grounds for an appeal. This decision is discretionary and may not be appealed.
7. If the Tribunal is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of this decision in writing, stating reasons. If the Tribunal is satisfied that there are sufficient grounds for an appeal, it shall conduct a Hearing.
8. If the Tribunal conducts a Hearing, it shall govern the Hearing by such procedures as it deems appropriate in the circumstances provided that:
 - a. The Hearing shall be held within 21 days of the Tribunal's appointment;
 - b. The appellant and respondent shall be given 10 days written notice of the day, time and place of the Hearing;
 - c. Tribunal members shall select from themselves a Chairperson;
 - d. A quorum shall be all three Tribunal members;
 - e. Decisions shall be by majority vote;
 - f. Copies of any written documents which either the appellant or respondent wish to have the Tribunal consider shall be provided to all parties at least 2 days in advance of the Hearing;
 - g. Both the appellant and respondent may be accompanied by a representative or adviser, including legal counsel;
 - h. The tribunal may request that any other individual participate and give evidence at the Hearing.
9. In order to keep costs to a reasonable level the Tribunal may conduct the Hearing by means of a conference call or video conference.
10. Within 3 days of concluding the Hearing, the Tribunal shall issue its written decision, with reasons. The Tribunal may decide:
 - a. To void, vary or confirm the decision being appealed;
 - b. To make any decision it feels the respondent should have made;
 - c. To refer the matter back to the respondent for a new decision, correcting any errors that were made; and/or
 - d. To determine how costs of the appeal shall be allocated.A copy of this decision shall be provided to the appellant, the respondent and the President (or designate) of the Association.
11. If the circumstances of the dispute are such that this policy will not allow a timely appeal, the President (or designate) may direct that these timelines be shortened. Should this be the case, the appellant, respondent and members of the Tribunal will make every reasonable effort to comply with the reviewed timelines in order to conclude the appeal in a timely manner.
12. If the circumstances of the dispute are such that an appeal cannot be concluded within the timelines of this policy, the President (or designate) may seek agreement from the appellant and respondent to extend the timelines.
13. The appellant shall have the right to decline a Hearing in favour of a documentary review. Should this be the case, the Tribunal shall request both appellant and respondent to provide written submissions, upon which the Tribunal shall make its decision. The Tribunal may direct such timelines as it deems appropriate in the circumstances in order to conclude the appeal in a timely manner.
14. The decision of the Tribunal shall be final and binding, and not open to any further appeal or intervention by any court.