

	<p style="text-align: center;"><b>NSAWA</b> Dispute, Discipline and Complaints Policy</p>	<p style="text-align: center;"><b>Approved:</b> April, 2022</p>	<p style="text-align: center;"><b>Up for review:</b> May, 2024</p>
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## DEFINITIONS

The following terms have these meanings in this Policy:

- a. *“Association”* – Nova Scotia Amateur Wrestling Association
- b. *“Complainant”* – The Party alleging an infraction
- c. *“Days”* – Days including weekend and holidays
- d. *“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, administrators, committee members, and directors and officers of the Association
- e. *“Respondent”* – The alleged infracting Party

## PURPOSE

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 by Individuals may result in sanctions pursuant to this Policy.

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

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, training camps, travel associated with Association activities, and any meetings.

This Policy 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.

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.

## REPORTING A COMPLAINT

Any Individual may report any complaint to the Association. A complaint must be in writing and must be filed within fifteen (15) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the Association. Complaints from underage or otherwise vulnerable members may be filed on their behalf by a

third party who is also a member of the Association.

Complaints are to include:

- a. Notice of complaint/incident
- b. Contact information of the Complainant
- c. Name of the Respondent and any affected parties
- d. Date and location of the incident
- e. Detailed summary of the incident
- f. All evidence that supports the incident

A Complainant wishing to file a complaint outside of the fifteen (15) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the fifteen (15) day period will be at the sole discretion of the Association. This decision may not be appealed.

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.

### **CASE MANAGER**

NSAWA, as a member of Wrestling Canada Lutte (WCL), agrees to comply with the WCL Dispute/Discipline/Complaints Policy. This Policy will apply when a complaint lies under the jurisdiction of NSAWA.

All Complaints are to be sent to the Association's office. The Association President and the PSO Coordinator are the chief Board members responsible for complaints. Upon the receipt of a complaint, the President and the Coordinator will appoint a Case Manager to oversee the management and administration of complaints submitted in accordance with this Policy and such appointment will not be appealable. In a situation where a conflict of interest is present, the Association Vice President will fulfill the President's role. The Case Manager is not required to be a member of the Association. The Case Manager has a responsibility to:

- a. Determine whether the complaint is frivolous and within the jurisdiction of this Policy
- b. Propose the use of the Association's 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 Procedures

If the Case Manager determines the complaint is:

- a. Frivolous or outside the jurisdiction of this Policy, the Case Manager will recommend to the President (or designate) that the complaint be dismissed immediately. If the President (or designate) agrees, the matter will be dismissed.
- 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.

The Case Manager's decision to accept or the President (or designate) decision to dismiss the complaint may not be appealed.

After notifying the Parties the complaint has been accepted, the Case Manager will propose facilitation and mediation. If all parties to a dispute agree to an alternate dispute resolution, a mediator or facilitator shall be appointed by the Association to mediate or facilitate the dispute. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated. Should a negotiated decision be reached, the

decision shall be reported to, and approved by the Association.

The costs of mediation and facilitation will be shared equally by the parties or paid by the Association upon their sole discretion.

Any negotiated decision will be final and binding on the parties. Negotiated decisions may not be appealed.

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.

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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 the alternate dispute resolution, 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.

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 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

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.

If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

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

## **DECISION**

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 fifteen (15) 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 fifteen (15) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

## **SANCTIONS**

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

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

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

Infractions that result in discipline will be recorded and records will be maintained by the Association for a period of at least 3 years from the conclusion of any disciplinary action imposed.

## **SUSPENSION PENDING A HEARING**

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**

A Member's conviction for any of the following *Criminal Code* offenses will be deemed an infraction under this Policy and will result in expulsion from the Association:

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

This decision may be appealed as outlined in the appeals procedure below.

## **CONFIDENTIALITY**

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**

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**

Other individuals or organizations may be advised of any decisions rendered in accordance with this Policy.

Results of the discipline may be published on the NSAWA website if the panel so orders.

## **APPEALS PROCEDURE**

A member may appeal the outcome of a Discipline Panel as follows:

1. Any member may appeal the severity of, or process by which, the penalty was imposed.
2. An appeal to a decision regarding a disciplinary matter must be filed, in writing, to the attention of the PSO Administrative Coordinator, care of the Provincial Office, within five (5) calendar days of the receipt of the written decision.
3. Any such Appeal should clearly state the grounds/basis for the Appeal. Grounds for appeal will be for cause, such as:
  - a. The NSAWA Code of Conduct Policy was not followed,
  - b. The Disciplinary Committee showed bias in their review of the matter,
  - c. The length of time taken by the Disciplinary Committee review of the matter was excessive (see specific note to this above), or
  - d. The penalty reached is unreasonable or excessive.
4. The Association President and the PSO Administrative Coordinator will review the Appeal and determine if there are reasonable grounds for the Appeal, and if so deemed will set up an Appeals Committee that will review the Appeal within five (5) calendar days of receiving an appeal on a disciplinary matter. In the case of a conflict of interest, the Vice President shall take on the President's role.
5. The Disciplinary Appeals Committee will be significantly (by a majority of members) different from the original Committee which determined the disciplinary ruling in question.
6. The Appeals Committee will examine the original infraction, the actions of the Executive/Discipline Committee and determine its own findings.
7. The Appeals Committee will then determine a course of action which may include:
  - a. upholding the original penalty.
  - b. determining that no penalty is required.
  - c. determining a new penalty.

Any decision regarding a disciplinary matter, made by the Appeals Committee is final.