

**Escalade Sportive Nouveau-Brunswick
New Brunswick Sport Climbing
(ESNBSC)**

Discipline and Complaints Policy

1. Definitions

1.1 The following terms have these meanings in this Policy:

<i>Complainant Discipline Chair</i>	Board of Directors of the ESNBSC to manage a complaint reported to the ESNBSC and any disciplinary matters related thereto.
<i>Formal Process Process #1</i>	Means the formal process by which a complaint will be heard being Process #1 and Process #2.
<i>Process #2</i>	Means the formal complaint and discipline process outlined in Section 5 hereof.
<i>Respondent</i> The Party making a complaint.	Means the formal complaint and discipline process outlined in Section 6 hereof.
An individual (or individuals) appointed by the	The party responding to a complaint.

Capitalized terms not otherwise defined herein, shall have the meaning ascribed to them in the ESNBSC's Interpretation Policy.

1. Purpose

1.1 This Policy forms part of the ESNBSC's Safe Sport Manual. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, rules and regulations of the ESNBSC. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

2. Application of this Policy

2.1 This Code applies to any matters that arise during the course of any ESNBSC business, activities or events including, but not limited to, competitions, practices, evaluations, training camps, travel associated with ESNBSC activities, the ESNBSC's office environment, and any ESNBSC meetings.

2.2 This Policy also applies to matters that arise outside of ESNBSC business, activities or events when such matter adversely affects the sporting or working environment of the ESNBSC or if such matter has a serious and

detrimental impact on an Individual. Such applicability will be determined by ESNBSC at its sole discretion.

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2.3 If a complaint is brought against a person regarding a potential breach of the ESNBSC's *Community Code of Conduct* and the alleged breach occurred while such person was an Individual, this Policy shall apply regardless of whether such person was an Individual at the time the complaint is brought.

2.4 Notwithstanding anything else contained herein, the ESNBSC, in its sole discretion, may take immediate disciplinary action or impose immediate sanctions in the event it considers the circumstances warrant such immediate action in order to protect and promote a safe environment; any further disciplinary action or sanctions will be applied according to the procedures set forth in this Policy.

2.5 Technical sporting infractions or complaints related to directly to competition or selection camps will be dealt with by the rules and procedures specific to such event, to the extent applicable.

3. Adult Representative

3.1 Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.

3.2 Communication from the Discipline Chair, Discipline Panel or Safe Sport Officer as applicable, must be directed to the Minor's representative.

3.3 A Minor is not required to attend an oral hearing, if held.

4. Reporting a Complaint

4.1 Any person may report an alleged violation of the ESNBSC's *Community Code of Conduct* to the Executive Director, a person in a position of authority at ESNBSC or the NB Safe Sport complaint mechanism. The complaint must be in writing and, except where the complaint relates to Discrimination, Harassment or Workplace Violence, be made within 14-days of the alleged incident. Notwithstanding the foregoing, the ESNBSC may, in its sole discretion, waive the aforementioned 14-day reporting deadline. If the complaint was submitted to a person in a position of authority other than the Executive Director, that person will forward the complaint to the Executive Director.

4.2 Persons wishing to report any alleged violation of the ESNBSC's *Community Code of Conduct* that may contain an element of Discrimination, Harassment, or Workplace Violence are encouraged to directly report the alleged violation to the ESNBSC's Executive Director or direct them to the NB Safe Sport complaint mechanism available on the Sport NB website (<https://sportnb.com/nb-safe-sport-complaint-mechanism/>).

4.3 The ESNBSC may act as a Complainant, on its own behalf or on behalf of another person, and initiate the complaint process under the terms of this Policy. In such cases, ESNBSC will identify an individual to represent ESNBSC as the Complainant.

4.4 Applicability of this Policy will be determined by ESNBSC at its sole discretion and shall not be subject to appeal. In the event the ESNBSC determines a complaint is outside the scope of this Policy or not made in accordance with this Policy it will provide the Complainant with written notice of same. If the ESNBSC determines a complaint is within the scope of this Policy and has been made in accordance with this Policy it will appoint a Discipline Chair to handle the complaint.

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4.5 The Discipline Chair must be: (i) the age of majority; and (ii) not be in a conflict of interest situation in respect of the respective complaint. Provided the foregoing qualifications are met, the Board of Directors may appoint the Executive Director or a Director to act as Discipline Chair if they determine such appointment is appropriate.

4.6 Upon receipt of a complaint the Discipline Chair will determine which Formal Process should be followed to manage the complaint, and may, but is not required to, use the below guidelines when determining which Formal Process to employ. The Discipline Chair's determination regarding which Formal Process to employ shall be based on the initial written complaint and any preliminary diligence regarding same.

Description of Incident	Possible Formal Process to be Used
Single incidents of disrespectful comments or behaviour	Process #1
Minor incidents of violence (e.g., tripping, pushing, elbowing)	Process #1
Minor non-compliance with ESNBSC's policies, procedures, rules, or regulations	Process #1
Conduct contrary to the values of ESNBSC	Process #1
Repeated minor incidents	Process #2
Any incident of hazing	Process #2
Major incidents of violence (e.g., fighting, attacking)	Process #2
Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition	Process #2
Major or repeated non-compliance with ESNBSC's policies, procedures, rules, or regulations	Process #2

4.7 If the Discipline Chair determines that a complaint or alleged incident may contain an element of Discrimination, Harassment or Workplace Violence the Discipline Chair shall refer the complaint to the Safe Sport Officer. In such cases, the Safe Sport Officer may investigate or manage the complaint pursuant to whatever manner is appropriate to ensure the protection of the Complainant and procedural fairness for involved parties.

4.8 In applying this Policy the ESNBSC will also adhere to any reporting or investigation requirements mandated by the federal government

5. Process #1 – Complaint Handled by Discipline Chair

5.1 If the Discipline Chair determines that Process #1 is appropriate, the process outlined in this Section 5 shall be used.

5.2 Within two business days of determining that Process #1 shall be employed, the Discipline Chair will provide written notice of same to the Complainant and the Respondent (in this Section 5, the "Process Notice"). The Process Notice shall outline the complaint process that will be used, provide the applicable timelines and include a copy of the Complainant's original written complaint. In the Process Notice the Discipline Chair may ask the Complainant and the Respondent to provide written or oral submissions or both regarding the complaint or incident. Unless otherwise determined by the Discipline Chair, the Complainant and the Respondent shall have at least five business days, but not more than 10 business days, to respond to a request from the Discipline Chair for written submissions. Unless otherwise determined by the Discipline Chair, any requested oral submissions shall be scheduled on at least five business days, but not more than 10 business days, notice.

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5.3 The Complainant and the Respondent shall have the right to submit to the Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings).

5.4 Upon reviewing the submissions of the Complainant and the Respondent, if any, the Discipline Chair shall make a conclusion regarding the complaint and, if applicable, determine if one or more of the following sanctions should be applied:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to ESNBSC or an Individual;
- d) Payment of the cost of repairs for property damage;
- e) Removal of certain privileges;
- f) Suspension from certain teams, events or activities; or
- g) Any other sanction considered appropriate for the offense.

5.5 The Discipline Chair will inform the Complainant, the Respondent and the ESNBSC in writing of their conclusion regarding the complaint and, if applicable, the rendering of any sanctions, together with reasons therefore within five business days of receiving the final submissions from the Complainant and the Respondent. Any sanction imposed shall take effect as set forth in the Discipline Chair's decision.

5.6 At any time the Discipline Chair may determine that the complaint should be referred to the Safe Sport Officer or that the complaint should be subject to Process #2. In the event the Discipline Chair determines the complaint should be subject to Process #2 they shall provide written notice of same to the Complainant and the Respondent and Section 6 hereof shall govern.

5.7 Any decision rendered by the Discipline Chair shall be provided to and maintained in the records of ESNBSC.

6. Process #2 – Complaint Handled by Discipline Panel

6.1 If the Discipline Chair determines that Process #2 is appropriate, the process outlined in this Section 6 shall be used.

6.2 Following the Discipline Chair's determination that the complaint or incident should be handled through Process #2, the Discipline Chair, in consultation with the Board of Directors of ESNBSC, will appoint a Discipline Panel to hear the complaint. The Discipline Panel shall consist of three individuals, one of whom shall be the Discipline Chair, each of whom must be: (i) the age of majority; and (ii) not be in a conflict of interest situation in respect of such complaint. Provided the foregoing qualifications are met, the Executive Director, any Director or the Safe Sport Officer may serve on the Discipline Panel if the Discipline Chair determines such appointments are appropriate. The Discipline Chair shall use reasonable efforts to confirm the members of the Discipline Panel as soon as possible, and in any event no more than 5 business days, after a complaint is subjected to Process #2.

6.3 Within two business days of being appointed, the Discipline Panel will provide written notice of same to the Complainant and the Respondent (in this Section 6, the “Process Notice”). The Process Notice shall outline the complaint process that will be used, provide the applicable timelines and include a copy of the Complainant’s original written complaint. The Discipline Panel may determine to conduct an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing or a combination of these methods or such other format as the Discipline Panel may determine. Any hearing will be governed by the procedures that the Discipline Panel deem appropriate in the circumstances, provided that:

a) The parties will be given appropriate notice, which in any event shall be not less than five business days, of the day, time, and place of the hearing;

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b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all parties, through the Discipline Chair, in advance of the hearing;

c) The parties may engage a representative, advisor, translator, or legal counsel at their own expense;

d) The Discipline Panel may request that any other individual participate and give evidence;

e) The Complainant and the Respondent shall have the right to submit to the Discipline Panel any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings); and

f) The Discipline Panel may allow as evidence any oral evidence or 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.

6.4 The Discipline Panel will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

6.5 After hearing the matter, the Discipline Panel shall make a conclusion regarding the complaint and, if applicable, determine if one or more of the below sanctions should be applied; decisions of the Discipline Panel need to be approved by a majority of its members:

a) Verbal or written reprimand;

b) Verbal or written apology;

c) Service or other contribution to ESNBSC or a Member;

d) Payment of the cost of repairs for property damage;

e) Removal of certain privileges;

f) Suspension from certain teams, events, or activities;

g) Expulsion from ESNBSC; or

h) Any other sanction the Discipline Panel considers appropriate for the offense.

6.6 The Discipline Panel will inform the Complainant, the Respondent and the ESNBSC in writing of their conclusion regarding the complaint and, if applicable, the rendering of any sanctions, together with reasons therefore within five business days of the conclusion of any hearing or completion of their documentary review, as applicable. Any sanction imposed shall take effect as set forth in the Discipline Panel’s decision.

6.7 In fulfilling its duties, the Discipline Panel may obtain independent advice at the cost of the ESNBSC, provided the Discipline Panel obtains prior written approval from the ESNBSC in respect of same.

6.8 Any decision rendered by the Discipline Panel shall be provided to and maintained in the records of ESNBSC.

7. General

7.1 Appeals

- a) The decision of the Discipline Chair or Discipline Panel, as applicable, may be appealed by the Respondent or Complainant in accordance with ESNBSC's Appeal Policy.

7.2 Suspension Pending a Hearing

- a) ESNBSC may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

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7.3 Confidentiality

- a) The discipline and complaints process is confidential and involves only ESNBSC, the applicable parties, the Discipline Chair, the Discipline Panel (if any), and any independent advisors. Once initiated and until a decision is rendered, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.
- b) Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

7.4 Timelines

- a) 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 Chair may direct that these timelines be revised.

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