



## BOXING CANADA DISPUTE RESOLUTION, DISCIPLINE AND COMPLAINTS POLICY

\* Indicates a section that has been adapted from the Universal Code to Prevent and Address Maltreatment in Sport (“UCCMS”)

### Definitions

1. Terms in this Policy are defined as follows:

- a) **\*Athlete** – An individual who is an Athlete Participant in Boxing Canada who is subject to the UCCMS and the policies of Boxing Canada.
- b) **Branch** – a provincial/territorial member of Boxing Canada, as described in the By-laws.
- c) **Case Manager** – A Director appointed by the Independent Third-Party to administer complaints that are assessed under Process #2 of this Policy. This individual must not be in a conflict of interest. The Independent Third-Party may serve as the Case Manager at their discretion.
- d) **\*Complainant** – A Participant or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*.
- e) **Conflict of Interest - Conflict of Interest: An Officer, Director, advisor, or member of a committee who has an interest, or who may reasonably be perceived as having an interest, in any matter, or any proposed contract or transaction with Boxing Canada shall disclose fully and promptly the nature and extent of such an interest to the Board/Executive Committee or committee, shall refrain from voting or speaking in debate on such matter, contract or transaction, shall refrain from influencing the decision on such matter, contract or transaction [and shall otherwise comply with the requirements of the policy regarding conflict of interest].**
- f) **External Discipline Panel** – A Panel of three panel members who are appointed by the Case Manager to handle complaints that are assessed under Process #2 of this Policy. Panel members must not be a Participant.
- g) **Independent Third Party Officer** – An independent individual (or individuals) appointed by Boxing Canada to receive and assess complaints.
- h) **Internal Discipline Chair** – A Director appointed by Boxing Canada to handle complaints that are assessed by the Independent Third Party Officer as falling under Process #1 of this Policy. The Internal Discipline Chair must not be in a conflict of interest.
- i) **\*Maltreatment** – as defined in the UCCMS and also provided in **Appendix A** of the *Code of Conduct and Ethics*.
- j) **\*Minor** – as defined in the UCCMS and also provided in **Appendix A** of the *Code of Conduct and Ethics*
- k) **Parties** – the groups involved with a dispute.
- l) **\*Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of Boxing Canada as well as all people engaged in activities with Boxing Canada including, but not limited to Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, and Directors and Officers. Participants are subject to the UCCMS and the policies of Boxing Canada.
- m) **\*Power Imbalance** – as defined in the UCCMS and also provided in **Appendix A** of the *Code of Conduct and Ethics*.
- n) **\*Respondent** – The Party against who the complaint was filed, and/or who will be responding to the complaint.

### Purpose

2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Boxing Canada. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

### Principles

3. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
  - c) This Policy and its procedures will be:
    - i. Harmonized (applied to all Participants across Canada)
    - ii. Fair (procedural and substantive due process for all Participants)
    - iii. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
    - iv. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
    - v. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
    - vi. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
    - vii. Independent administration (free from all conflicts of interest)



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#### **Application of this Policy**

4. This Policy applies to all Participants, as it relates to matters that may arise during the business, activities, and events of Boxing Canada including, but not limited to, competitions, practices and training, treatment or consultations, camps and clinics, travel associated with the activities of Boxing Canada, and meetings. This policy does not apply to the employment relationship between Boxing Canada and its employees.
5. This Policy also applies to Participants' conduct outside of the business, activities, and events of Boxing Canada when such conduct adversely affects the relationships (or the work and sport environment) of Boxing Canada, is detrimental to the image and reputation of Boxing Canada, or upon the acceptance of Boxing Canada. Accordingly, applicability of this Policy will be determined by Boxing Canada upon its sole discretion.
6. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport.
7. If it is considered appropriate or necessary based on the circumstances, immediate suspension or the imposition of a restriction may be applied, after which further discipline or sanctions may be applied according to this Policy.
8. 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 may be for the duration of the competition, training, activity, or event only.
9. Boxing Canada may, at its discretion, assume jurisdiction of a complaint that was submitted to a Branch. In such cases, Boxing Canada's Independent Third Party Officer will determine whether the complaint process should be re-started or resumed pursuant to the applicable section of this Policy.
10. This Policy shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

#### **Minors**

11. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult approved by Independent Third Party Officer to serve as their representative during this process.
12. Communication from the Independent Third-Party, Case Manager, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
13. A Minor is not required to attend an oral hearing, if held.

#### **Reporting a Complaint**

14. Any person may report a complaint in writing to the Independent Third Party Officer:

**Ilan Yampolsky**  
**iyampolsky@itpsport.ca**

15. At its discretion, Boxing Canada may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Boxing Canada will identify an individual to represent the organization.
16. Complaints or incident reports must be made in writing for the discipline and complaints procedure to be initiated. The Complainant may contact the Independent Third Party Officer for guidance on the process regarding the formal submission of a complaint. The Independent Third Party Officer may accept any formal complaint, in writing or not, at their sole discretion. The Independent Third Party Officer will convert oral complaints into a written statement of fact for purposes of proceeding with the discipline and complaints procedure. The Complainant will have the opportunity to verify the accuracy of this statement of fact prior to final submission.

#### **Independent Third-Party Responsibilities**

17. Upon receipt of a complaint, the Independent Third Party Officer has a responsibility to:
  - a) Determine the appropriate jurisdiction to manage the complaint and consider the following:



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- i. Whether the complaint should be handled by a Branch or by Boxing Canada. In making this decision, the Independent Third Party Officer will consider:
    - a. whether the incident has occurred within the business, activities or events of the Branch or Boxing Canada;
    - b. If the incident has occurred outside of the business, activities or events of either or both of these organizations, the Independent Third Party Officer will determine which organization's relationships are adversely affected or which organization's affairs are most impacted; and
    - c. if the Branch is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity
  - ii. If the Independent Third Party Officer determines that the complaint or incident should be handled by the appropriate Branch, that Branch may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third-Party to fulfil the responsibilities listed below. In such instance where this Policy is adopted by a Branch, any reference to 'Independent Third-Party' below shall be understood to be a reference to the Branch's Independent Third-Party and any reference to 'Boxing Canada' shall be understood to be a reference to the Branch
- b) Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately. The Independent Third Party Officer's decision to dismiss the complaint will be recorded in writing and a copy of the record will be offered to the Complainant. This decision may not be appealed;
  - c) Determine whether a complaint flows from an employment relationship with Boxing Canada, in which case it would be addressed by Boxing Canada through its internal human resource policies;
  - d) Propose the use of Alternative Dispute Resolution techniques. Alternative Dispute Resolution (ADR) is mandatory if determined to be the appropriate course of action by the Independent Third Party Officer;
  - e) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and/or
  - f) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

There are two different processes that may be used to hear and adjudicate complaints. The Independent Third Party Officer will decide which process should be followed based on the nature of the complaint.

**Process #1** – Subject to the discretion of the Independent Third Party Officer, the following allegations will generally be dealt with under Process #1:

- a) Disrespectful conduct or comments
- b) Minor incidents of physical violence (e.g., tripping, pushing, elbowing).
- c) Conduct contrary to the values of Boxing Canada
- d) Non-compliance with the organization's policies, procedures, rules, or regulations
- e) Minor violations of the *Code of Conduct and Ethics*

**Process #2** - Subject to the discretion of the Independent Third Party Officer, the following allegations will generally be dealt with under Process #2:

- a) Repeated minor incidents
- b) Hazing
- c) Abusive, racist, or sexist comments or behaviour
- d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- e) Major incidents of violence (e.g., fighting, attacking, sucker punching)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
- h) Conduct that intentionally damages the organization's image, credibility, or reputation
- i) Consistent disregard for the by-laws, policies, rules, and regulations
- j) Major or repeated violations of the *Code of Conduct and Ethics*
- k) Intentionally damaging the organization's property or improperly handling Boxing Canada's monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense
- n) Any possession or use of banned performance enhancing drugs or methods



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#### **PROCESS #1: Handled by Internal Discipline Chair**

##### **Internal Discipline Chair**

18. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party Officer will inform the Internal Discipline Chair who may:
- a) Recommend mediation;
  - b) Make a decision;
  - c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
19. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).
20. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately unless otherwise directed. All Parties will be offered a written record of the decision
21. Records of all sanctions will be maintained by Boxing Canada.

##### **Request for Reconsideration**

22. If a complaint is dismissed or if there is no sanction, the Complainant may appeal the decision in accordance with Boxing Canada's *Appeal Policy*.
23. If a complaint is substantiated, the Respondent may appeal the decision and/or sanction in accordance with Boxing Canada's *Appeal Policy*.

#### **PROCESS #2: Handled by Case Manager and External Discipline Panel**

##### **Case Manager**

24. Following the determination that the complaint or incident should be handled under Process #2, the Independent Third Party Officer will appoint a Case Manager (who may or may not be the Independent Third Party Officer themselves) who has a responsibility to:
- a) Propose the use of alternative dispute resolution techniques
  - b) Appoint the External Discipline Panel, if necessary
  - c) Coordinate all administrative aspects of the process and set reasonable timelines
  - d) Provide administrative assistance and logistical support to the External Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
25. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion. The Case Manager will communicate these timelines and any changes to these timelines to all parties.
26. The Case Manager may propose using alternative dispute resolution methods, such as mediation or negotiated settlement.
27. If the dispute is not resolved using alternative methods, the Case Manager will appoint an External Discipline Panel of one (1) person to hear the complaint. The Case Manager and the External Discipline Panel member will review severity of the allegation and, if warranted, an External Discipline Panel of three (3) people will be appointed. When a three-person External Discipline Panel is appointed, the Case Manager will appoint one of the External Discipline Panel's members to serve as the Chair.
28. The Case Manager, in cooperation with the External 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 may be 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.
29. The hearing will be governed by the procedures that the Case Manager and the External Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
- a) The Parties will be given a minimum of fourteen (14) days notice of the day, time, and place of the hearing
  - b) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing



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- c) The Parties may engage a representative, advisor, or legal counsel at their own expense
- d) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
- e) The External 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 External Discipline Panel

30. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

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

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

### Decision

33. After hearing the matter, the External 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 External Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, and to Boxing Canada. In extraordinary circumstances, the External 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 External Discipline Panel.

### Sanctions

34. \*Prior to determining sanctions, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
- b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
- c) The ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of Boxing Canada;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

35. \*Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.

36. \*The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions may result should the Participant be involved in other violations
- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*. *This requirement will specify the remedial measure, the timeframe within which it must be completed, and consequences for not completing the remedial measure within the specified timeframe.*
- c) **Probation** - further violations of the *Code of Conduct and Ethics* during the probationary period, may result in additional disciplinary measures, up to and including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Boxing Canada. A suspended Participant is eligible to return to



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participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension

- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Boxing Canada and/or any sport organization subject to the UCCMS. A sanction of Permanent Ineligibility must be rendered via unanimous vote by the Boxing Canada Board for complaints handled via Process 1, or the External Review Panel for complaints handled via Process 2.
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

37. \*The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of a period of suspension, eligibility restrictions or permanent ineligibility
- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension until those matters have been resolved in a manner satisfactory to the Internal Discipline Chair or External Discipline Panel. The Respondent will be required to demonstrate proof of outcome that is satisfactory to the Internal Discipline Chair or External Discipline Panel prior to the lifting of the period of suspension.

38. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with Boxing Canada. *Criminal Code* offences include::

- 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

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

40. Records of all decisions will be maintained by Boxing Canada.

### Appeals

41. The decision of the External Discipline Panel may be appealed in accordance with the *Appeal Policy*.

### Suspension Pending a Hearing

42. Boxing Canada may determine that an alleged incident is of such seriousness, or poses an immediate threat to an individual's health or safety, as to warrant immediate suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the External Discipline Panel. Notice of immediate suspension under these circumstances can be delivered to the Respondent verbally, and will be followed up in writing within five (5) days.

### Confidentiality

43. The discipline and complaints process is confidential and involves only Boxing Canada, the Parties, the Independent Third Party Officer, the Case Manager, the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External Discipline 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.

44. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).



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#### **Timelines**

45. 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 Independent Third Party Officer or Case Manager (as applicable) may direct that these timelines be revised.

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

46. Other individuals or organizations, including but not limited to, Branches, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

47. \*Boxing Canada recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.



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#### **Appendix A – Investigation Procedure**

\* Indicates a section that has been adapted from the UCCMS

##### **Determination**

1. When a complaint is submitted pursuant to the *Dispute Resolution, Discipline and Complaints Policy*, the Independent Third Party Officer will determine if the incident should be investigated.

##### **Investigation**

2. The Independent Third Party Officer will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

##### **Investigator's Report**

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties and determinations from the Investigator on whether, on a balance of probabilities, a breach of policy, including the *Code of Conduct and Ethics*, occurred.
6. \*The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Independent Third Party Officer who will disclose it, at their discretion, to Boxing Canada and the relevant Branch (if applicable).
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Child Pornography, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and Boxing Canada to refer the matter to police.
9. The Investigator must also inform Boxing Canada of any findings of criminal activity. Boxing Canada may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Boxing Canada, or other offences where the lack of reporting would bring Boxing Canada into disrepute.

##### **Reprisal and Retaliation**

10. \*A Participant who submits a complaint to Boxing Canada or who gives evidence in an investigation must not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.





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#### **False Allegations**

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. Boxing Canada or the Participant against whom the allegations were submitted, may act as the Complainant.

#### **Confidentiality**

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, Boxing Canada recognizes that maintaining full anonymity during an investigation may not be feasible.