



Complaint Management Handbook

Gymnastics BC (GymBC)

Is this Handbook for you?

If you think that you have witnessed criminal behaviour please **do not hesitate** to directly contact your local police department or the RCMP

The GymBC Complaint Management Handbook is for:

1. GymBC Member Club Leaders (Administrators, Managers, and Board Members);
2. GymBC Registered Coaches;
3. GymBC Registered Athletes and Parents/Guardians of Athletes;
4. GymBC Staff, Board Members, and Committee Members.

The GymBC Complaint Management Handbook provides detailed information about:

1. GymBC's Commitment to a Safe Environment for all participants.
2. Expectations for the behaviours of Coaches, Athletes, Parents/Guardians, Judges/Officials, GymBC Staff, GymBC Directors, and Volunteers.
3. What to do if you experience or witness maltreatment or other behaviours that make you uncomfortable in your gymnastics participation (Refer to page 15).
4. A description of what to expect if you submit a complaint to GymBC or if someone submits a complaint about you to GymBC.

The GymBC Complaint Management Handbook is **not** in place to address matters pertaining to:

1. Employment or appointment of GymBC personnel or volunteers;
2. Selection criteria, competition outcomes, judging decisions, or technical program committee decisions;
3. Policies, procedures, and decisions and entities other than GymBC;
4. GymBC operational matters.

If you have questions about this handbook, please do not hesitate to contact GymBC's Safety Officer at: safety@gymbc.org.

Alignment with B.C. Universal Code of Conduct

In addition to the policies and procedures outlined throughout this handbook, Gymnastics BC adopts and accepts all the language contained in the B.C. Universal Code of Conduct.

An individual who violates the B.C. Universal Code of Conduct may be subject to sanctions pursuant to any policies included in the Gymnastics BC's Complaint Management Handbook.

Acknowledgment

Thank you to the individual contributors and organizations who were involved in the development of this handbook:

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SUMMARY

This summary is included in the GymBC Complaint Management Handbook so that potential Complainants and Respondents can review a simplified explanation of the complaint management process. This summary does not replace or supersede any of GymBC's Safe Sport, Behavioral Expectation, or Complaint Management policies. GymBC wants to ensure that its members are not deterred from submitting complaints because of the potential complexities of the complaint management process.

Please feel free to contact GymBC's Safety Officer (or their designate) to discuss any questions you may have with the complaint management process.

Should an individual wish to submit a complaint with GymBC, the following steps can be expected:

1. The complainant contacts GymBC's Safety Officer to have a confidential conversation about their potential complaint submission. GymBC's Safety Officer may provide complaint intake information (GymBC's complaint intake form) and other process information to the potential complainant.
2. The complainant submits a complaint form and any other submissions (such as documentary evidence, pictures, videos, emails, etc.) that are a part of their complaint to GymBC's Safety Officer.
3. An initial review of the complaint to determine its jurisdiction is completed by GymBC's Safety Officer. If the complaint should be addressed at the member club level or by GymCan, or by law enforcement, GymBC may direct the complaint to the appropriate organization. Clarifying information about how the complaint has been addressed to date may be sought by GymBC's Safety Officer to determine the appropriate path for the complaint.
4. Should the complaint fall within GymBC's jurisdiction – GymBC's Safety Officer will send the complaint to a third-party Case Manager.
5. The Case Manager will determine if the complaint should be investigated per GymBC's Investigations Policy and/or if the complaint could be potentially resolved using GymBC's Alternate Dispute Resolution (ADR) policy.
6. The Case Manager also has the responsibility to ensure procedural fairness of the process for both parties. This includes reminding the parties about confidentiality and ensuring the parties have the opportunity to make submissions.
7. The Case Manager will appoint an independent decision-making Panel (either one or three people depending on the severity of the incidents alleged in the complaint). The Panel members should have a legal background, experience with sport dispute resolution, and not perceived or actual conflict of interest with the case or the parties.
8. The decision-making Panel will conduct a hearing process (either a documentary hearing or an oral hearing) to determine the outcome of the case. The Panel will render a written decision (that may or may not include sanctions for the respondent). The Case Manager will distribute the decision to the parties and the GymBC. GymBC will be responsible for enforcing the sanction (if any) and distributing the decision to GymCan and/or to member clubs as necessary.
9. The decision may be appealed per the Appeal Policy. Either party may identify a legitimate ground for appeal (such as bias of the Panel) and have their appeal heard by a final decision-making body.

SECTION 1 – DEFINITIONS

Capitalized terms have the following meanings in this Handbook:

- 1.1 **“Affected Parties”** means any individual group or entity, as determined by the Case Manager, who may be affected by a decision rendered under GymBC’s Appeal Policy and who may have recourse to an appeal in their own right under the Appeal Policy.
- 1.2 **“Appellant”** means the Party appealing a decision permitted to be appealed pursuant to the Appeal Policy.
- 1.3 **“By-laws”** means the bylaws of GymBC, as may be amended from time to time;
- 1.4 **“Case Manager”** means the independent person designated by GymBC as the case manager for the purpose of administering the Complaints, Hearings and Discipline Policy & Procedure or any other related GymBC policy, and having such duties and responsibilities as are set forth in the position description for “Case Manager” attached as a Schedule to the Complaints, Hearings and Discipline Policy & Procedure.
- 1.5 **“Committee, sub-committee, working group members”**: All participants in GymBC committees, subcommittees, task forces, working groups or other GymBC collaborative initiatives.
- 1.6 **“Complainant”** means the Party who has submitted a complaint in accordance with the Complaints, Hearings and Discipline Policy & Procedure alleging a violation of a GymBC Policy.
- 1.7 **“Directors”**: All members of the GymBC board of directors.
- 1.8 **“Documentary Hearing”**: A documentary hearing refers to a hearing conducted by means of a review solely of documentary submissions by the Complainant, the Respondent as requested by the Panel.
- 1.9 **“Duty of Care”** means the requirement that reasonable care be taken to avoid acts or omissions that could expose others to risk or harm.
- 1.10 **“Frivolous or Vexatious”** means a complaint that has no reasonable or sound basis in fact or law, is without merit, and/or has been brought with the primary intent or harassing, discrediting or subduing a Respondent.
- 1.11 **“GymBC Activities”** means all events that are sanctioned, sponsored or otherwise supported by GymBC, including but not limited to those ordinarily arising in the course of GymBC’s business (whether in person, over the phone or online), such as: competitions, practices, training camps, travel associated with GymBC activities, and meetings. For the purposes of this Policy, “GymBC Activities” also includes other non-GymBC events and circumstances outside of the foregoing, when such conduct adversely affects relationships within GymBC (and its work and sport environment) and/or among its Members or is detrimental to the image and reputation of GymBC. Such applicability will be determined by GymBC, in its sole discretion.
- 1.12 **“GymBC Personnel”** means all employees, consultants and contractors to GymBC, GymBC’s board of directors, and any person serving on a GymBC committee;
- 1.13 **“GymBC Policy”** or **“GymBC Policies”** refers to the By-laws, the **Code of Conduct**, and any other policy, procedure, rule and regulation of GymBC that is in effect from time to time, or any one of them, as the context requires.

- 1.14 **“Oral Hearing”**: An oral hearing refers to a hearing conducted in-person, by telephone, by video-conference or by such other electronic means as the Panel may decide, to be attended by any or all of the Complainant, the Respondent and any individuals who have made witness statements, as requested by the Panel. The Panel conducting an oral hearing may also request that the Parties, and witnesses (if applicable) provide written submissions in advance of the oral hearing.
- 1.15 **“Respondent”** means, in the Complaints, Hearings and Discipline Policy & Procedure, the Party alleged to have breached or violated a GymBC policy or, in the Appeal Policy, the party responding to the appeal
- 1.16 **“GymBC Representatives”** means any other person employed by or engaged in activities with GymBC, including but not limited to: directors, officers, committee members, sub-committee members and staff of GymBC; judges and other officials; volunteers; team managers; and administrators.
- 1.17 **“Person in a Position of Authority”** means a critical relationship, in which an individual is dependent upon another individual in a position of power and/or trust for safety, and fulfillment of needs. Examples of critical relationships include but are not limited to parent-athlete, coach-athlete or team manager-athlete.
- 1.18 **“Safe Sport Environment”** means a safe, inclusive, open, observable and transparent sporting environment for all of GymBC’s Members, supported by policies and procedures based upon and consistent with best practices as established by youth sporting organizations in Canada from time to time.
- 1.19 **“Vulnerable Individual”** means a person under the age of 19, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed.
- 1.20 **“Well-Being”** is an outcome in which individuals/participants are supported in meeting their physical, psychological, social, and emotional needs. A key aspect of wellbeing is ensuring that a Safe Sport Environment is in place, free from all forms of abuse, harassment and discrimination, and which prioritize the welfare, safety, and rights of every individual/participant at all times.

SECTION 2 – GYMBC’S COMMITMENT TO A SAFE ENVIRONMENT

Policy Name: SAFE SPORT POLICY		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This is the first version of this policy		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 GENERAL

In addition to this Policy, Members of GymBC may also be subject to the safe sport or equivalent policies of GymCan or of other provincial or national sport governing bodies, or other bodies having jurisdiction over sports in Canada. Further, additional safety-related requirements may be contained in other GymBC manuals, handbooks and other policies that apply to GymBC Members which may be specific to a particular discipline (i.e. women’s artistic gymnastics) or activity (i.e. team manager duties, team travel). If this Policy conflicts with or is inconsistent with the standards set forth in any other applicable codes, standards and policies, the higher standard shall prevail.

2.0 PURPOSE OF THIS POLICY

- 2.1 This Policy has been developed in support of GymBC’s following commitments and objectives:
 - 2.1.1 GymBC is committed to promoting a sporting environment in which all Members are able to participate in GymBC Activities in a safe, healthy and inclusive training and competitive environment, free from any form of abuse, maltreatment, harassment or discrimination, regardless of the level or capacity in which the Member is participating.
 - 2.1.2 The welfare of all participants in the sport is one of GymBC’s foremost considerations. In particular, the protection of athletes who are Vulnerable Individuals is the ongoing responsibility of each member of the gymnastics community. GymBC, as primarily a youth-serving organization, recognizes that it has a special position in the gymnastics community in British Columbia, which implies a responsibility to develop policies, procedures and standards that assist its Members in achieving a Safe Sport Environment.
 - 2.1.3 GymBC is committed to educating its members to achieve a safe, healthy and inclusive training and competitive environment. Educational initiatives include: development and dissemination of template documents for Members; webinars; coach education initiatives; mandatory training requirements (e.g., Commit 2 Kids

Training), and information sessions for specific stakeholder groups (coaches, athletes, judges, etc.).

2.1.4 GymBC is committed to actively encouraging meaningful inclusion of individuals irrespective of their age, race, colour, gender identity or expression, sexual orientation, language, religion, national or social origin, property, birth, physical or developmental abilities, athletic ability, or other status. If there are any groups omitted from this list, please advise GymBC and the list will be amended, if appropriate.

2.2 GymBC will provide support to its member clubs in their provision of fun, healthy, inclusive and Safe Sport Environments. GymBC believes that gymnastics can enrich the lives of everyone involved, and GymBC will strive to ensure, through the provision of support and assistance to its Members, specifically its member clubs, that the training and event participation environment throughout the Province of British Columbia is one where all participants know they are safe, and are treated with respect and dignity.

3.0 POLICY APPLICATION

This Policy applies to all Members of GymBC, as defined in the By-laws of GymBC, and to all GymBC Activities.

4.0 GYMBC'S ONGOING COMMITMENT TO A SAFE SPORT ENVIRONMENT

4.1 GymBC, in understanding and discharging its Duty of Care, commits to ensuring that its policies and procedures support a safe, inclusive, open, observable and transparent sporting environment for all of its Members (a "Safe Sport Environment"), and that such policies and procedures are based upon and are consistent with best practices as established by youth sporting organizations in Canada from time to time. GymBC intends that its programs and services be consistent with and support this Policy. GymBC strives to be a leader in supporting a Safe Sport Environment in all GymBC Activities.

4.2 Prioritizing, establishing and maintaining a Safe Sport Environment involves the responsibility and practices of everyone involved in the sport of gymnastics, in particular those persons in a Position of Authority, to ensure the safety and development of athletes, coaches and all other participants.

4.3 GymBC recognizes the critical role of its member clubs in the delivery of a Safe Sport Environment. GymBC is committed to providing support and assistance to its member clubs in their achievement of a Safe Sport Environment.

5.0 SAFE SPORT ENVIRONMENT

5.1 GymBC strives to provide athletes who are Members of GymBC and/or who are participating in GymBC Activities with the following:

5.1.1 safe, healthy and inclusive gymnastics environments;

5.1.2 qualified, experienced, and athlete-centered leadership that attends to the well-being and developmental needs of athletes;

5.1.3 a transparent and clean sport environment that has fair officiating, clear rules, and appropriate training and competition schedules;

- 5.1.4 the opportunity to feel empowered, use their voice, and share in the leadership and decision-making of their sport experience;
- 5.1.5 appropriate opportunities for proper preparation for competitions;
- 5.1.6 information that is important to athlete well-being and opportunities to strive for success;
- 5.1.7 access to education related to the sport, participation, welfare and safety;
- 5.1.8 respect, dignity, and appropriate safeguards from abuse, maltreatment, harassment, or discrimination;
- 5.1.9 mechanisms for reporting misconduct without fear of reprisal; and
- 5.1.10 tools to allow athletes to know, understand, protect, and advocate for their interests.

6.0 ADHERENCE TO THE RULE OF 2

6.1 In supporting its commitment to a Safe Sport Environment, GymBC strongly recommends that all Member clubs aim to adopt the “Rule of Two” in the responsible delivery by persons in a Position of Authority, of coaching and related programs and services. The **“Rule of Two”** means as follows:

- 6.1.1 That responsible adults are never alone with or out of sight with any Vulnerable Individual. Interactions between Vulnerable Individuals and persons who are in a Position of Authority should be open, observable, and/or interruptible.
 - 6.1.2 Two NCCP trained or certified coaches should always be present with a Vulnerable Individual, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. When two NCCP trained or certified coaches are not available, another responsible adult (who should be screened) can substitute.
 - 6.1.3 All one-on-one interactions between a coach (or a responsible adult) and a Vulnerable Individual should take place within earshot and in view of the second individual except for medical emergencies.
 - 6.1.4 One of the coaches (or responsible adults) must also be of the same gender identity as the athlete.
 - 6.1.5 In situations where an NCCP trained or certified coach is also a Vulnerable Individual (definitions section 1.19), they must always coach with an adult present, as per section 1.5 of GymBC’s [Coaching Education Operations Manual](#).
- 6.2 GymBC recognizes that, in particular during circumstances of team travel, strict adherence to each aspect of the Rule of Two may be impractical or impossible. GymBC expects that its member clubs and the persons in a Position of Authority entrusted with the care of Vulnerable Individuals will take prudent and reasonable steps to ensure that all or as many aspects of the Rule of Two are able to be followed consistently, with as few exceptions as possible.

7.0 EVALUATION

GymBC shall continually monitor, evaluate and amend its policies, practices and procedures, including this Policy, at any time and without notice. It is the responsibility of each member of GymBC to understand and keep up to date with current versions of its policies.

8.0 OBLIGATION TO REPORT

An adult Member is obligated to report, on a timely basis and with all relevant information, to GymBC or to appropriate law enforcement or child protection services, any actual or suspected psychological misconduct, sexual misconduct, physical misconduct or neglect involving a Vulnerable Individual. Any adult Member who fails in this duty to report may be subject to disciplinary action by GymBC.

SECTION 3 – EXPECTATIONS OF MEMBER CONDUCT

Policy Name: MALTREATMENT & DISCRIMINATION POLICY		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This Policy replaces Section 3.0 of GymBC Conduct and Discipline Policy (October 13, 2017)		
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1.0 PURPOSE OF THIS POLICY

GymBC is committed to promoting a sporting environment in which all Members are able to participate in GymBC Activities in a safe and inclusive training and competition environment, free from any form of abuse, maltreatment, harassment or discrimination, regardless of the level or capacity in which the Member is participating.

GymBC expects that its Members and Representatives within the scope of this Policy, conduct themselves in a prudent and reasonable manner, free from any form of abuse, maltreatment, harassment or discrimination. The purpose of this Policy is to define the behaviours which GymBC considers to be forms of abuse, maltreatment, harassment or discrimination. GymBC requires that all individuals within the scope of this Policy refrain from engaging in, allowing, condoning or ignoring any behavior that constitutes abuse, maltreatment, harassment or discrimination.

2.0 SCOPE OF POLICY

This Policy applies broadly, and includes the following persons while in attendance at or participating in any GymBC Activities:

- 2.1 All GymBC Members, which includes but is not limited to coaches and athletes;
- 2.2 All GymBC Personnel;
- 2.3 All team managers, team support, judges, technical observers and other officials;
- 2.4 All other volunteers at GymBC Activities; and
- 2.5 Parents, guardians and spectators.

3.0 ZERO TOLERANCE STATEMENT

No Abuse, Maltreatment, Harassment or Discrimination: GymBC has zero tolerance for any type of abuse, maltreatment, harassment or discrimination and supports the creation and maintenance of safe sport environments where all Members can participate safely and free from any type of abuse, maltreatment, harassment or discrimination. Members are required to report instances or suspected instances of any of the

foregoing, where the perpetrator or target of such conduct is a Member of GymBC, or where such conduct takes place at a GymBC Activity. GymBC shall address such conduct pursuant to its policies and procedures, in a timely manner.

4.0 MALTREATMENT

Maltreatment is prohibited under this Policy and shall be understood as any volitional act by an Individual that results in harm or the potential for physical or psychological harm to another Individual, and includes any of the behaviours or conduct described in this section.

- 4.1 **Psychological Maltreatment** is any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
 - 4.1.1 Verbal Acts: verbally assaulting or attacking an Individual, including but not limited to unwarranted personal criticisms; body shaming; derogatory comments related to an Individual's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about an Individual to diminish their reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online platforms.
 - 4.1.2 Non-assaultive Physical Acts (no physical contact): physically aggressive behaviours, including but not limited to throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
 - 4.1.3 Acts that Deny Attention or Support: acts that deny attention, lack of support or isolation including but not limited to ignoring psychological needs or socially isolating an Individual repeatedly or for an extended period of time; abandonment of an Athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.
- 4.2 **Physical Maltreatment** is any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an Individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
 - 4.2.1 Contact behaviours: including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another; and deliberately hitting another with objects;
 - 4.2.2 Non-contact behaviours: including but not limited to isolating an Individual in a confined space; forcing an Individual to assume a painful stance or position for no athletic purpose (e.g., requiring an Athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an Individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an Individual; encouraging or knowingly permitting an Athlete to return to training prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an Athlete to perform a skill for which they are known to not be developmentally ready.

- 4.3 **Sexual Maltreatment** includes, but is not limited to, any act targeting an Individual's sexuality, gender identity or expression, that is committed, threatened or attempted against that person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.

Examples of Sexual Maltreatment include, but are not limited to:

Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person.

Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person.

It shall not be considered Maltreatment if an Individual touches any of the listed body parts of another Individual in a bona fide, incidental manner within the context of spotting where the touching occurred in the interests of the Individual's safety.

- 4.4 **Neglect** is any pattern or a single serious incident of lack of reasonable care, inattention to an Individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the Individual's needs and requirements, not whether harm is intended or results from the behaviour.

Neglect, or acts of omission, include without limitation, when an individual fails to protect and nurture the health and welfare of those in their care, such as not providing an Athlete recovery time and/or treatment for a sport injury; denying adequate hydration or nutrition; chronic rejection; not being aware of and not considering an Individual's physical or intellectual disability; not considering supervision of an Athlete during travel, training or competition; not considering the welfare of the Athlete when prescribing dieting or other weight control methods (e.g., caliper tests); disregarding the use of Prohibited Substances or Methods by an Athlete; failure to ensure safety of equipment or environment; failure to intervene when made aware of misconduct; allowing an Athlete to disregard sport rules, regulations, and standards, subjecting Individuals to the risk of Maltreatment.

- 4.5 **Grooming** includes, without limitation, deliberate conduct by an Individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in 'boundary transgressions' which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications (*as per section 4.4.3 of the GymBC Code of Conduct, the Rule of 2 should be applied virtually when communication is completed through text message, email or other messaging applications between individuals in a position of authority and vulnerable individuals*); sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).

- 4.6 **Boundary Transgressions** can occur in relationships that involve a power imbalance. It is important that in relationships that involve a power imbalance that individual boundaries are respected and maintained at all times. It may be the case that a particular act or communication does not meet the threshold of any of the areas of Maltreatment outlined in this policy, but

some acts or communications nonetheless are viewed as inappropriate. Even if the act in question does not, on its own, objectively cause harm to another person, a boundary transgression is nonetheless an act that should be corrected to ensure the safety and security of all members involved in sport.

Boundary transgressions can be major or minor, and there may be a need to be flexible in the way in which such boundary transgressions are addressed. A Boundary Transgression may trigger a process whereby the circumstances are reviewed and potentially resolved informally or formally investigated. Consequences can include the activation of the **GymBC Complaints, Hearings, and Discipline Policy and Procedure** or simply recording, and retaining/filing the circumstances of the boundary transgression and resolutions that took place.

4.7 **Interference with or Manipulation of Process** occurs when an adult Individual violates this Policy by directly or indirectly interfering with a process instituted pursuant to this Policy or any other policy of GymBC or any of its Member Clubs by:

- falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- destroying or concealing information;
- attempting to discourage an Individual's proper participation in or use of GymBC or a Member club's processes;
- harassing or intimidating (verbally or physically) any person involved in GymBC processes before, during, and/or following any proceedings;
- publicly disclosing an Individual's identifying information, without the Individual's agreement;
- failing to comply with any temporary or provisional measure or other final sanction;
- distributing or otherwise publicizing materials an Individual gains access to during any investigation or hearing, except as required by law or as expressly permitted; or
- influencing or attempting to influence another Individual to interfere with or manipulate the process.

4.8 **Retaliation** occurs when an Individual takes an adverse action against any other Individual for making a good faith Report of possible Maltreatment or for participating in any process found in GymBC or its Member Club's policies, including those found in this Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in GymBC or a Member Club's processes. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred and does not include good-faith actions lawfully pursued in response to a Report of possible Maltreatment.

4.9 **Aiding and Abetting** is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by an Individual. These acts are prohibited. Aiding and abetting also includes, without limitation, knowingly:

- allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Individuals;
- providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
- allowing any Individual to violate the terms of their suspension or any other sanctions imposed.

4.10 **Failure by an Adult Individual to Report Actual or Suspected Maltreatment of a Minor.** This obligation is ongoing and is not satisfied by making an initial Report; instead, this obligation includes reporting to GymBC or a Member Club, on a timely basis, all relevant information that

the adult Individual is or becomes aware of, and requires making a direct Report to GymBC of one of its Member Clubs. Any Report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date.

- 4.11 **Failure to Report Inappropriate Conduct** is when any Individual who suspects or becomes aware of another Individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to Report such inappropriate conduct to GymBC or a Member Club. Persons in a position of authority who become aware of another Individual's inappropriate conduct have a responsibility for Reporting the concern to GymBC or a Member Club, as appropriate.
- 4.12 **Intentionally Filing a False Allegation** occurs when an allegation is false if the events or conduct reported did not occur and the Individual making the report knows that the events or conduct did not occur. An individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.
- 4.13 **Harassment** is prohibited under this Policy and includes, but is not limited to, psychological harassment and refers to a course of vexatious conduct or comments and unwanted or coerced behaviours that the person knew or ought reasonably to have known would be unwelcome and inappropriate or otherwise offensive to another person or group of people.

Harassing behaviours include comments, conduct, actions, or gestures directed toward an individual or group of individuals, which are insulting, intimidating, humiliating, malicious, or offensive. An individual or group may experience harassment as a result of their race or perceived race, ancestry, nationality or national origin, citizenship, place of origin, colour, ethnic or linguistic background or origin, religion, political belief, age, sex, sexual orientation, gender identity or expression, marital status, family status, social condition or disadvantage, physical or mental disability or related characteristics, disfigurement, criminal record, source of income, or any other prohibited ground of discrimination in accordance with applicable human rights legislation.

Forms of harassment in sport may include, but are not limited to, physical harassment (e.g., pushing, shoving, hitting, pinching, grabbing), sexual harassment (e.g., vulgar, degrading or lewd comments, repeated propositions to engage in sexual conduct), emotional harassment (e.g., offensive or hostile expressions or gestures, put-down jokes, stalking), gender harassment, racial harassment, and homophobia (e.g., referring to someone's gender, race, sexual orientation or expression in negative, vulgar, or derogatory terms or exclusion of an individual based on those grounds).

Once again, a single incidence of such behaviour that has a lasting harmful effect on a person or a group of people may constitute harassment.

- 4.14 **Bullying** is prohibited under this Policy and refers to physical, verbal, or psychological attacks or intimidations that may cause fear, distress, or potential harm to others. These behaviours often occur between peers and may be characterized as direct, overt attacks (e.g., pushing, hitting, threatening, mocking) or indirect, relational attacks, such as gossip, spreading rumours, threatening to end friendship as a way to control others' behaviour, and social exclusion. Bullying behaviours are typically repetitive in nature. However, a single instance of high intensity bullying may also qualify.
- 4.15 **Hazing** is prohibited under this Policy and refers to an abusive, often humiliating form of initiation expected of someone joining a group that degrades, or intentionally and recklessly

endangers the mental and physical health of the person, regardless of the person's willingness to participate in the activity.

5.0 DISCRIMINATION

"Discrimination" is unfair or improper behaviour, whether intentional or not, that results in differential treatment of one or more individuals and that is related to one or more of any grounds of discrimination prohibited by any applicable human rights legislation, including but not limited to:

- 5.1 Race or perceived race;
- 5.2 Ancestry, citizenship, nationality or national origin, colour, ethnic background or origin;
- 5.3 Religion or religious beliefs;
- 5.4 Age;
- 5.5 Sexual orientation, gender identity and gender expression;
- 5.6 Marital, civil or family status or association; and
- 5.7 Physical or mental disability.

6.0 COMPLAINTS

An individual who believes they have experienced abuse, maltreatment, harassment, bullying or hazing, or who has witnessed abuse, maltreatment, harassment, bullying or hazing where either the perpetrator or the victim of such conduct is a person described as being within the scope of this Policy, should file a complaint to GymBC pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***.

If you have reasonable suspicion or believe that danger or violence are imminent or that a participant is in immediate danger or risk, and/or is a victim of any form of abuse or neglect, you should:

- 6.1 Do nothing to put yourself in further risk;
- 6.2 Help the participant withdraw from the situation, if possible;
- 6.3 Inform others nearby of the situation, if possible; and
- 6.4 Call 9-1-1 immediately if the situation required immediate attention

7.0 PROHIBITION AGAINST RETALIATION

Retaliation occurs when an individual experiences or is subject to negative consequences due to reporting or participating in an investigation or related process. GymBC will not condone acts of retaliation by its Members or Representatives within the scope of this Policy. See also the ***Complaints, Hearings and Discipline Policy & Procedure***.

Any Member or other third party who believes that they or someone else has been subjected to retaliation should report such retaliation to GymBC as soon as possible.

Policy Number and Name: CODE OF CONDUCT		Date of Approval: January 16, 2023	Activation Date: January 18, 2023
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This policy replaces the June 4, 2021 version of the Code of Conduct		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 GENERAL

This Code does not contain all of the conduct-related requirements applicable to the relationship between GymBC and its Members. There are a number of other GymBC manuals, handbooks and other policies that apply to Members which may be specific to a particular discipline (i.e. women's artistic gymnastics) or activity (i.e. team manager duties, team travel). In addition, some Members may be subject to additional non-GymBC standards or codes, which may impose further requirements (for example, the Coaching Association of Canada). Members subject to those standards or codes are expected to adhere to those standards and codes, in addition to this Code.

2.0 PURPOSE OF THIS POLICY

- 2.1 **General:** GymBC has adopted this Code as part of its broader commitment to promote gymnastics activities for individuals of all ages and abilities throughout the Province of British Columbia, and to provide support to and assist Member Clubs in promoting and maintaining safe and positive sporting environments for its Members. This Code serves to make Members and Representatives aware that there is an expectation, at all times, of appropriate conduct and behaviour at GymBC Activities and at other activities as set forth in Section 3.2.
- 2.2 **Safe Sport Environment:** GymBC advocates for a sport culture in which participants are supported in their physical, psychological, social, and emotional development and overall well-being. GymBC, as primarily a youth-serving organization, recognizes that it has a special position in the gymnastics community in British Columbia, which implies a responsibility to develop policies, procedures and standards that assist its Members in achieving a Safe Sport Environment, free from all forms of abuse, harassment and discrimination, and which prioritizes the welfare, safety, and rights of every participant at all times.
- 2.3 **Minimum Expectations:** This Code sets out the minimum expectations for acceptable conduct for all Members (including Member Clubs) and Representatives covered under the scope of GymBC's jurisdiction. Conduct that is contrary to this Code will not be tolerated and may be subject to disciplinary sanctions pursuant to applicable policies and procedures.

3.0 APPLICATION OF THIS CODE OF CONDUCT

- 3.1 **Generally:** This Code applies broadly to all Members of GymBC, to all GymBC Activities, to Representatives and to other activities as set forth in Section 4.0. Where members of other

provincial, national or other sport organizations are participating in any GymBC Activity, the Code shall apply to such persons.

- 3.2 **Application to Other Activities:** This Code also applies to Member conduct outside of GymBC Activities when such conduct adversely affects relationships within GymBC (and its work and sport environment) and/or among its Members or is detrimental to the image and reputation of GymBC. Such applicability will be determined by GymBC, in its sole discretion.
- 3.3 **Membership Compliance Condition:** As set forth in the By-laws, membership in GymBC is conditional upon compliance, in all material respects, with this Code and the By-laws and other policies of GymBC. Members and prospective members of GymBC may be denied membership, suspended for a definite or indefinite period of time, or expelled from GymBC (in all cases in accordance with any policy or procedure with respect to membership contained in the By-laws and other applicable policies), if their conduct is not held to the minimum standards described in with this Code and the By-laws and other policies of GymBC.

4.0 RESPONSIBILITIES AND OBLIGATIONS - GENERAL

Members and Representatives participating in GymBC Activities and at other activities to which this Code applies have the following responsibilities:

- 4.1 **Compliance:** To comply with all applicable laws in the jurisdiction where the GymBC Activity is taking place (i.e. host province or host country), and comply with GymBC's By-laws, policies and procedures, including but not limited to this Code and the rules of each specific discipline or program within GymBC, and the spirit of those rules.
- 4.2 **Display Respect:** To promote and represent the sport of gymnastics as constructively and positively as possible, including displaying respect for all individuals involved in the sport. Specifically, Members have a responsibility to assist in supporting the dignity and self-esteem of Members and Representatives, by:
 - 4.2.1 Demonstrating respect towards individuals, regardless of body type, physical characteristics, athletic ability, and without discrimination or harassment of any kind.
 - 4.2.2 Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or Representatives.
 - 4.2.3 Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct.
 - 4.2.4 Appropriately acting to correct or prevent practices that are discriminatory.
 - 4.2.5 Consistently treating individuals fairly and reasonably.
 - 4.2.6 Demonstrating respect for, and not intentionally causing damage to, property and equipment used or encountered in connection with participating in GymBC Activities.
 - 4.2.7 Respecting all judges, coaches and volunteers and refraining from attempting to intimidate, embarrass, or improperly influence any individual responsible for judging or administering a competition or making any selection decisions.

- 4.3 **No Abuse, Maltreatment, Harassment or Discrimination:** To refrain from any behaviour that constitutes abuse, maltreatment, harassment or discrimination, as described in the ***Abuse, Maltreatment & Discrimination Policy***.
- 4.4 **Interactions with Vulnerable Individuals:** When interacting with Vulnerable Individuals, or when in a Position of Authority over an individual, to implement practical approaches to these interactions, including but not limited to:
 - 4.4.1 Limiting physical interactions to non-threatening and non-sexual touching.
 - 4.4.2 Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power with one individual).
 - 4.4.3 Ensuring that parents/guardians are aware that some non-personal communication between persons in a Position of Authority and Vulnerable Individuals (e.g. coaches and athletes) may take place electronically (e.g. text, email or messaging through other applications) and that this type of communication is now considered to be commonplace, especially with other older Vulnerable Individuals (e.g. teenagers), and that such communication is required to be respectful and consistent with this Code and GymBC's ***Social Media Policy***. Further, the Rule of 2 should be applied virtually (when communicating through text message, email or other messaging applications) by individuals in a position of authority and vulnerable individuals.
 - 4.4.4 Ensure that the "Rule of Two" is followed wherever possible, as set forth in the ***Safe Sport Policy***.
- 4.5 **Anti-Doping:** To comply with all anti-doping policies and procedures established by GymCan or other applicable governing bodies, and not use, direct or imply use, possess, distribute, or promote the use of performance-enhancing drugs or substances, whether such drugs or substances are legal, prescribed, controlled or illegal. Any infraction of applicable anti-doping policies or procedures will be considered an infraction of this Code, and may be subject to disciplinary action imposed by GymBC which may be in addition to any disciplinary action imposed by GymCan or the other applicable governing body.
- 4.6 **Alcohol, Drugs and other Mood-Altering Substances:** Members are prohibited from reporting to any GymBC Activities under the influence of alcohol, non-prescription or illegal drugs or mood-altering substances, including without limitation recreational cannabis.
 - 4.6.1 Consumption (vaping, smoking, eating, or ingesting by any other means) of cannabis, any other mood-altering substance, and any illegal substance, is prohibited at all times during GymBC Activities. Alcohol may be consumed by adults from time to time at GymBC-related business, social, and recreational events, provided consumption is professionally reasonable and kept to a minimum. Under no circumstances will adults operate a motor vehicle if their abilities to do so are in any way impaired.
 - 4.6.2 Where minors are present, adults shall take reasonable steps to manage the responsible consumption of legal intoxicants in adult-oriented social situations associated with GymBC Activities. Under no circumstances shall any adult provide, promote, or condone the use or consumption of alcohol, drugs (other than properly prescribed medications) or performance-enhancing substances by a minor.

- 4.6.3 Minors are prohibited from consuming (vaping, smoking, eating, or ingesting by any other means) alcohol, tobacco, cannabis, any other mood-altering substance, and any illegal substance at all times.
- 4.7 **Coercion:** A person in a position of authority must refrain from the use of power or authority in any attempt to coerce another person to engage in inappropriate activities.

5.0 ADDITIONAL RESPONSIBILITIES - COACHES

The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. In addition to the general responsibilities and obligations set forth herein, coaches have the following additional responsibilities when participating in GymBC Activities and at other activities to which this Code applies:

- 5.1 **Certification:** Coach, supervise, and teach skills to athletes that are appropriate to, and within the scope of, the current level of NCCP training and certification. Accurately represent coaching and professional credentials, such as NCCP certification, post secondary credentials, and other training (e.g. first aid certification). Adhere to GymBC's background and criminal record check policy. Report any ongoing criminal investigation, conviction, or existing bail conditions to GymBC, whether or not such criminal activity relates to your status as a coach, in order that GymBC may evaluate any appropriate restrictions.
- 5.2 **Athlete Safety and Support:** Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes. Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the management of athletes' medical and psychological treatments. Report any medical problems for athletes to GymBC in a timely fashion, when such problems may limit their ability to travel, train, or compete when representing GymBC. Provide athletes (and the parents/guardians of minor athletes) with all necessary information to be involved in the decisions that affect the athlete.
- 5.3 **Support for Other Coaches and Clubs:** Supporting staff at provincial and national training camps, and events; should an athlete qualify for participation with one of these programs. Should an athlete desire to change member clubs, support and cooperate with the other coach/personnel in the exchange of pertinent information.
- 5.4 **Recruitment:** Engaging in behaviour involving the recruitment of athletes who are registered at a different gymnastics club to a separate club is strictly prohibited. This behaviour can not take place in-person, virtually, or in any other capacity. When participating in a sanctioned competition, and athletes are present, coaches are not to offer, or otherwise recruit currently employed coach(s) from another club to join their organization.
- 5.5 **Prohibited Relationships:** Under no circumstance shall a coach engage in a sexual relationship of any kind with an athlete under 19 years old. It is also prohibited for a coach to engage in a sexual relationship of any kind with an athlete at or above the age of 19 because the coach holds a position of trust and authority that may constitute a power imbalance.

- 5.6 **Interaction with other Manuals or Handbooks:** Adhere to the requirements of applicable manuals and handbooks when coaching at a GymBC Activity, for example with respect to attire, interactions with other coaches and team managers, etc.

6.0 ADDITIONAL RESPONSIBILITIES - ATHLETES

In addition to the general responsibilities and obligations set forth herein, athletes have the following additional responsibilities when participating in GymBC Activities and at other activities to which this Code applies:

- 6.1 Report any medical problems in a timely fashion, when such problems may limit their ability to travel, train, or compete when representing GymBC.
- 6.2 Participate and appear on-time and prepared to participate to their best abilities.
- 6.3 Properly represent themselves and not attempt to enter a competition for which they are not eligible by reason of age, classification, or other reason.
- 6.4 Adhere to GymBC's rules and requirements regarding clothing and equipment.
- 6.5 Never ridicule a participant for a poor performance or practice.
- 6.6 Act in a sportsmanlike manner and not engage in violence, foul language, or gestures to other athletes, officials, coaches, or spectators.
- 6.7 Act in accordance with GymBC's policies and procedures and, when applicable, additional rules as outlined by coaches or team managers or program handbooks/manuals.

7.0 ADDITIONAL RESPONSIBILITIES - PARENTS/GUARDIANS

In addition to the general responsibilities and obligations set forth herein, parents and guardians of athletes have the following additional responsibilities when observing or participating in GymBC Activities and at other activities to which this Code applies:

- 7.1 Encourage athletes to follow the sport rules and behavioral expectations and resolve conflicts without resorting to hostility or violence.
- 7.2 Respect the decisions and judgments of officials and encourage athletes to do the same.
- 7.3 Respect and show appreciation to all competitors and to the coaches, officials, and other volunteers who give their time to the sport.

8.0 ADDITIONAL RESPONSIBILITIES - JUDGES AND OFFICIALS

In addition to the general responsibilities and obligations set forth herein, judges and other officials have the following additional responsibilities when participating in GymBC Activities and at other activities to which this Code applies:

- 8.1 Maintain and update their knowledge of the rules and rules changes.
- 8.2 Work within the boundaries of their position's description while supporting the work of other officials.

- 8.3 Conduct all events according to the rules of GymBC, GymCan and the Fédération Internationale de Gymnastique (FIG), as applicable.
- 8.4 Act professionally and support GymBC as an ambassador.
- 8.5 Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others.
- 8.6 Respect the confidentiality required by issues of a sensitive nature, which may include disqualifications, discipline processes, appeals, and specific information or data about Members.
- 8.7 Dress in proper attire for judging and officiating as per the judge's sections of each respective GymBC Program Handbook.
- 8.8 Be unbiased and refrain from allowing anything to influence or give the appearance of affecting their judgment in rendering fair and impartial scores.
- 8.9 Refrain from criticizing other judges' judgments or decisions to coaches, teams, or affiliates.

9.0 ADDITIONAL RESPONSIBILITIES – GYMBC STAFF, DIRECTORS AND COMMITTEE MEMBERS

In addition to the general responsibilities and obligations set forth herein, GymBC staff, Directors, Committee Members and Representatives acting on behalf of GymBC have the following additional responsibilities when participating in GymBC Activities and at other activities to which this Code applies:

- 9.1 When conducting GymBC business, function primarily as a member of a GymBC committee or a Director, as applicable, not prioritizing the goals or interests of any other organization or constituency.
- 9.2 Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of GymBC business and the maintenance of Member confidence.
- 9.3 Ensure that GymBC's financial affairs are conducted in a responsible manner with due regard for all fiduciary responsibilities.
- 9.4 Conduct themselves professionally, lawfully and in good faith in the best interests of GymBC.
- 9.5 Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
- 9.6 Behave with decorum appropriate to both circumstance and position and be fair, equitable, considerate, and honest in all dealings with others.
- 9.7 Keep informed about GymBC activities, the provincial gymnastics community, and general trends in the sectors in which it operates.
- 9.8 Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to British Columbia law.
- 9.9 Respect the confidentiality appropriate to issues of a sensitive nature.

- 9.10 Ensure that all GymBC Members are given sufficient opportunity to express opinions, and that all opinions are given due consideration and weight.
- 9.11 Respect the decisions of the majority.
- 9.12 Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- 9.13 Have a thorough knowledge and understanding of all GymBC's governance documents.
- 9.14 Conform to the By-laws and policies approved by GymBC, in particular this Code as well as any policies with respect to privacy and confidentiality.

10.0 ADDITIONAL RESPONSIBILITIES – VOLUNTEERS

In addition to the general responsibilities and obligations set forth herein, Volunteers acting on behalf of GymBC have the following additional responsibilities when participating in GymBC Activities and at other activities to which this Code applies:

- 10.1 Encourage athletes to follow the sport rules and behavioral expectations and resolve conflicts without resorting to hostility or violence.
- 10.2 Respect the decisions and judgments of officials and encourage athletes to do the same.
- 10.3 Respect and show appreciation to all coaches, officials, athletes and other volunteers who give their time to the sport.
- 10.4 Conform to the By-laws and policies approved by GymBC, in particular this Code, as well as any other relevant policies.
- 10.5 Participate and appear on-time and prepared to participate to their best abilities.
- 10.6 Act in a sportsmanlike manner and not engage in violence, foul language, or gestures to athletes, officials, coaches, other volunteers or spectator

11.0 PRIVACY

In order to implement and enforce this Code and other policies and procedures of GymBC, GymBC may from time to time be required to obtain and use personal information relating to Members as well as other affected parties, in particular where a complaint has been filed pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***. Where disciplinary action is undertaken as a result of the outcomes from the ***Complaints, Hearings and Discipline Policy & Procedure***, GymBC may, in its discretion, disclose the outcomes to other amateur sport organizations or other organizations or institutions that need to know the information or where required or permitted by applicable law.

12.0 MEMBER COMPLIANCE DECLARATION

As a condition of membership with GymBC, each Member is required to comply with this Code and other GymBC policies and procedures at all times in connection with GymBC Activities.

SECTION 4 – COMPLAINT MANAGEMENT PROCESSES

Policy Name: ALTERNATIVE DISPUTE RESOLUTION (ADR) POLICY		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This Policy replaces Section 7.0 of GymBC Conduct and Discipline Policy (October 13, 2017)		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 PURPOSE OF THIS POLICY

GymBC believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. As such, GymBC encourages its Members to first use alternative dispute resolution (“**ADR**”) as a means for resolving complaints or other issues that arise between or among GymBC and/or its Members. GymBC refers to dispute resolution techniques of negotiation, mediation, collaboration or arbitration, which, with the facilitation of a third party, can result in the settlement or resolution of disputes. ADR can, in appropriate cases, assist in avoiding or minimizing the uncertainty, costs and other negative effects that may be associated with lengthy disciplinary or other hearings, appeals, or with litigation that can arise from the foregoing.

2.0 APPLICATION OF THIS POLICY

This Policy applies to all complaints and appeals that fall within the jurisdiction of GymBC.

3.0 REFERRAL TO ADR

At any time during the course of the handling of a complaint, hearing or discipline process, the Case Manager or any of the Parties may request and, by mutual agreement, agree to refer the complaint to ADR in accordance with this Policy.

ADR Process:

- 3.1 **Appointment of a Third Party:** If all Parties to a dispute agree to ADR, an independent mediator or facilitator acceptable to all parties (the “Third Party”) who has appropriate experience and credentials in dispute resolution and mediation, shall be appointed by the Case Manager to mediate or facilitate the dispute. Alternatively, with the agreement of the Parties, the Case Manager may act as the Third Party.
- 3.2 **ADR Process:** The Third Party shall decide the process and format under which the dispute shall be mediated or facilitated and shall specify the timeframes within which the process shall take place.
- 3.3 **GymBC Policies Apply:** The Third Party shall refer to and consider all applicable policies of GymBC, including but not limited to the Code of Conduct and the Complaints, Hearings

and Discipline Policy & Procedure (specifically the sections pertaining to disciplinary action) in setting and conducting the ADR process.

- 3.4 **Reporting Obligation:** Should a decision be reached through the ADR process, that decision shall be reported by the Third Party to GymBC. GymBC shall review and approve the decision. Pending approval by GymBC, any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the Third Party in the negotiated decision.
- 3.5 **Review of Decision at Request of GymBC:** If GymBC concludes that the outcome of the matter as facilitated by the Third Party is not appropriate in the context of GymBC's applicable policies and procedures, and GymBC therefore does not approve the decision, GymBC shall refer the matter back to the Case Manager for appointment of a Panel as set forth in the ***Complaints, Hearings and Discipline Policy & Procedure***, to review the negotiated decision.
- 3.6 **Compliance Required:** It shall be considered to be a condition of ongoing membership in good standing of GymBC that all disciplinary sanctions rendered under this Policy be recognized, respected and complied with by the Respondent and all Affected Parties.
- 3.7 **Decisions are Final and Binding:** Any decision, resolution or settlement achieved by the Third Party through the ADR process and approved by GymBC shall be final and binding on the Parties. Decisions arrived at through the ADR process may not be appealed.
- 3.8 **No Resolution:** Should a decision, resolution or settlement not be achieved through the ADR process by any deadline specified by the Third Party, the dispute shall be remitted back to the GymBC policy under which it was initially being addressed and continue from the stage of that policy that the Case Manager deems appropriate.

4.0 CONFIDENTIALITY

- 4.1 General: All information with respect to the ADR process and the underlying issue or complaint shall be treated as confidential and shall not be disclosed to anyone, except as needed to follow this policy. Disclosure of any information with respect to the ADR process shall be limited to:
 - 4.1.1 the Case Manager;
 - 4.1.2 the Parties (and their designated representative(s), if applicable);
 - 4.1.3 the Third Party;
 - 4.1.4 those GymBC Personnel who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process, and
 - 4.1.5 any independent legal advisors consulted by the Panel in the discharge of his, her or their responsibilities pursuant to this policy.
- 4.2 None of the forgoing persons or their representatives shall disclose any information relating to the complaint, the hearing or the disciplinary process, to any person not listed above and not involved in the proceedings. Any breach of confidentiality shall itself be subject to discipline as set forth in this policy.

Policy Number and Name: INVESTIGATIONS POLICY & PROCEDURE		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: Replacing the October 13, 2017 version of the GymBC Conduct and Discipline Policy.		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 PURPOSE OF THIS POLICY

This Policy describes how GymBC will conduct investigations and the circumstances under which an investigation may be conducted.

2.0 DETERMINATION TO PROCEED WITH AN INVESTIGATION

- 2.1 The ***Complaints, Hearings and Discipline Policy & Procedure*** is intended to facilitate the resolution of complaints received by GymBC in a manner that does not require GymBC to engage external resources to uncover relevant facts and bring the issue to a close. Specifically, the ***Complaints, Hearings and Discipline Policy & Procedure*** provides that the Complainant and the Respondent are themselves responsible for providing the factual information, including witness statements and other relevant information, to substantiate or defend a complaint and permit the Panel to make a decision on the basis of that information. However, GymBC recognizes that there may be circumstances under which a Complainant or a Respondent may not be able to adequately provide all relevant facts or witness statements in order to substantiate or defend the complaint, or where no formal complaint has been made but GymBC is aware of matters requiring investigation. In such circumstances, the Case Manager or GymBC may determine that an investigation is necessary or desirable.
- 2.2 When a determination is made by the Case Manager or GymBC that an investigation into a complaint or other matter is necessary or desirable, the Case Manager or GymBC will appoint an investigator pursuant to this Policy. GymBC and the Case Manager will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

3.0 INVESTIGATION

- 3.1 **Appointment of Investigator:** An investigator may be appointed by the Case Manager or GymBC to investigate complaints or otherwise as directed. The investigator may be a representative of GymBC, or may 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 any party involved with the complaint.
- 3.2 **Applicable Law:** Federal and/or provincial legislation related to workplace harassment may apply to the investigation if any alleged harassment was directed toward a worker in a workplace. The Investigator should review workplace safety legislation and/or consult

- independent experts to determine whether legislation applies to the matter being investigated.
- 3.3 **Process:** The investigation may take any form as decided by the investigator, guided by any applicable law, and in consultation with the Case Manager where applicable. The investigation may include:
- 3.3.1 Interview the Complainant;
 - 3.3.2 Interview witnesses;
 - 3.3.3 Developing a statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
 - 3.3.4 Delivering the statement to the Respondent;
 - 3.3.5 Interview the Respondent;
 - 3.3.6 Interview additional witnesses; and
 - 3.3.7 Developing a statement of facts (respondent's perspective) prepared by Investigator and acknowledged by the Respondent.

4.0 REPORT OF THE INVESTIGATOR

- 4.1 The Investigator will prepare and submit a report. The investigator's report should include a summary of evidence from the parties (including both statements of facts, if applicable) and determinations from the investigator of whether or not, on a balance of probabilities, an incident occurred.
- 4.2 The investigator's report will be provided to GymBC and the Case Manager, if applicable.
- 4.3 Should the Investigator find that there are possible instances of offences under the *Criminal Code*, particularly related to: Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation; the investigator shall advise the Complainant to refer the matter to police. The investigator will further inform GymBC that the matter should be directed to the police. The investigator must also inform GymBC of any other findings of criminal activity. GymBC may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of illegal drugs or materials, any sexual crime involving minors, fraud against GymBC, or other offences where the lack of reporting would bring GymBC into disrepute.
- 4.4 A Panel, appointed by the Case Manager pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***, shall consider the investigator's report, in addition to submissions from the parties, prior to deciding on a complaint, if the investigator's report is disclosed by the Case Manager or GymBC.

5.0 PROHIBITION AGAINST RETALIATION

Retaliation occurs when an individual experiences or is subject to negative consequences due to reporting or participating in an investigation or related process. The Complainant, the Respondent and all witnesses have the right to participate in the investigation process outlined in this Policy, and any other GymBC

Policy, without fear of retaliation. Retaliation against anyone who reports a complaint or who participates in any aspect of the process outlined in this Policy is strictly prohibited. Any Member or other third party who experiences retaliation due to reporting a complaint or for participation in an investigation or hearing process should report such retaliation to GymBC as soon as possible.

6.0 FALSE ALLEGATIONS

An individual who submits allegations that the investigator determines to be false or without merit may be subject to a complaint under the terms of the ***Complaints, Hearings and Discipline Policy & Procedure***.

7.0 CONFIDENTIALITY

The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential, unless disclosure is necessary for the purpose of investigating or taking corrective action or is otherwise required by an GymBC policy or by law. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, GymBC recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

Policy Number and Name: COMPLAINTS, HEARINGS AND DISCIPLINE POLICY AND PROCEDURE		Date of Approval: January 16, 2023	Activation Date: January 18, 2023
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: Replacing the June 4, 2021 version of the Complaints, Hearings and Discipline Policy and Procedure .		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 GYMBC'S COMMITMENT AND EXPECTATIONS

GymBC is committed to supporting its member clubs in providing gymnastics environments and experiences to Members and to participants in GymBC Activities in which all are treated with respect, characterized by the values of fairness, integrity, and open communication. Membership in GymBC, as well as participation in its activities, brings many benefits and privileges. At the same time, Members are required to fulfill certain responsibilities and obligations including, but not limited to, complying with GymBC Policies. Behaviour by Members that does not comply with GymBC Policies can result in harm to the integrity and reputation of GymBC, and result in harm to Members. Conduct that violates GymBC's Policies may be subject to discipline pursuant to this Policy.

2.0 PURPOSE OF THIS POLICY

This Policy is intended to outline the policies and procedures of GymBC with respect to complaints of breaches of an GymBC policy, the circumstances under which such complaints shall be investigated and/or referred to a Panel for hearings and discipline, and the procedures that will be followed by GymBC following referral of a complaint, in order to meet the objective of managing all complaints in a manner that is administratively fair, consistent, expeditious, and cost effective, and ensuring that all discipline arising from the application of this Policy is appropriate and proportionate to any breach that is substantiated, and is fairly and consistently applied.

3.0 APPLICATION OF THIS POLICY

This Policy applies to all Members of GymBC, all GymBC Personnel and to all GymBC Activities. Complaints not involving Members, GymBC Personnel or arising outside of the scope of GymBC Activities, shall be addressed by such entities or organizations responsible for such personnel or activities, which may include member clubs, GymCan, viaSport or another provincial sport organization, unless the complaint is specifically requested to be considered, and is agreed to be considered, by GymBC in its sole discretion, having regard to jurisdictional considerations as set forth in Section 4.0 hereof.

4.0 JURISDICTION OF GYMBC

- 4.1 **Generally:** GymBC has responsibility over alleged breaches or violations, by Members or by GymBC Personnel, of GymBC Policies applicable to its Members and GymBC Personnel and/or with respect to GymBC Activities.
- 4.2 **Limits on GymBC's Jurisdiction:** GymBC, as a provincial sport organization, works within a multi-jurisdictional sport structure. Each member club, GymCan and each other provincial sport organization having analogous responsibilities over gymnastics activities in their province or territory, has or may have their own policies and procedures that may apply concurrently with, or may take precedence over, GymBC Policies. These non-GymBC policies and procedures may apply to athletes, coaches, parents, club employees and volunteers, among others. GymBC encourages, and may under certain circumstances require, that its member clubs be responsible for the management of complaints occurring within the programs and activities they deliver and involving personnel within their club membership. Member clubs must, however, advise GymBC of any complaints of serious misconduct received by the Member club in order that GymBC may maintain appropriate records and provide assistance, support, and/or escalate the complaint, if needed.

5.0 REPORTING A COMPLAINT TO GYMBC

- 5.1 Complaints with respect to breaches or alleged breaches of GymBC's Policies are to be submitted to the Safety Officer. GymBC may appoint an independent third-party individual or body to receive and handle complaints made pursuant to this Policy, in which case GymBC shall provide notice of the same to its Members and refer complaints received to such third party who shall address the same in accordance with this Policy. Complaints should also include a description of any actions already taken to try and address the misconduct in other jurisdictions (e.g., steps already taken at a GymBC Member Club).
- 5.2 Complaints must be submitted in writing (preferably by using the Complaint Form attached hereto as Schedule "A") by a Complainant with actual knowledge of the events being complained of or the individual acting on behalf of a minor. Additional attachments (such as evidence), if any, should be filed at the same time as the complaint. Complaints should include all relevant detail such as the name of the Respondent(s), contact information for the Respondent (if known) details of the incident(s) (including dates, times, and places), reference to the GymBC Policies the Complainant alleges have been breached, and statements (if available) of relevant witnesses.
- 5.3 The Safety Officer who receives the complaint may determine that a Member Club should handle the complaint pursuant to their policies and procedures. In this case, the Safety Officer will direct the Complainant to an appropriate contact at the Member Club.
- 5.4 Anonymous complaints may be dismissed without further action by GymBC. Anonymous complaints will only be accepted by GymBC in its sole discretion, having regard to the seriousness of the breaches alleged in the complaint and where the complaint discloses sufficient information to reasonably permit the Case Manager to undertake next steps pursuant to this Policy.

6.0 ACKNOWLEDGEMENT BY GYMBC

GymBC shall acknowledge receipt of the complaint to the Complainant within three (3) business days.

7.0 TYPES OF COMPLAINTS

- 7.1 **General:** A minor infraction is, generally, a single non-material breach of an GymBC Policy, or a single non-material incident of failing to achieve expected standards of conduct, that does not result in significant harm to a person or persons, GymBC, or the sport of gymnastics. A major infraction is, generally, any instance of failing to achieve the expected standards of conduct, whether under an GymBC Policy or otherwise, that results, or has the potential to result, in significant or material harm to a person or persons, to GymBC, or to the sport of gymnastics. Multiple or repeated instances of infractions that would normally be considered to be minor in nature shall be treated as more serious infractions, and any resulting disciplinary action shall reflect the repetitiveness of any violations.
- 7.2 **Examples:** Infractions that may form the basis of a complaint made to GymBC can include, but are not limited to, the following examples *as defined in the Abuse, Maltreatment and Discrimination Policy*, which in each case are to be considered to be more serious if the conduct involves or is directed at a Vulnerable Individual:
 - 7.2.1 Non-compliance with GymBC Policies, including but not limited to conduct contrary to the **Code of Conduct**;
 - 7.2.2 Disrespectful, offensive or verbally abusive conduct, such as outbursts of anger or argument;
 - 7.2.3 Conduct that interferes with a competition or with any athlete's preparation for a competition;
 - 7.2.4 Any incident of hazing and/or discrimination on any ground protected by law;
 - 7.2.5 Violence;
 - 7.2.6 Incidents of physical and/or emotional abuse;
 - 7.2.7 Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
 - 7.2.8 Pranks, jokes, or other activities that endanger the safety of others;
 - 7.2.9 Intentionally damaging GymBC property or improperly handling GymBC monies and/or property;
 - 7.2.10 At any GymBC Activity: (i) the abusive use of alcohol, cannabis or other mood-altering substances; (ii) any use, misuse or possession of alcohol, cannabis or other mood-altering substance by minors; or (iii) any use or possession of illicit drugs and narcotics including but not limited to possession or use of banned performance enhancing drugs or methods;
 - 7.2.11 Members that are past the age of majority engaging or behaving with athletes in an unsafe manner, including but not limited to while under the influence of alcohol or any other mood-altering substances;

- 7.2.12 Conduct that intentionally damages the image, credibility, or reputation of GymBC, including but not limited to actions, or the involvement of persons in actions taken notwithstanding the presence of a conflict of interest;
 - 7.2.13 False accusations of harassment, abuse, discrimination, violence (or other serious misconduct or maltreatment) that are vexatious, motivated by malice or mischief, and/or meant to cause another individual or individuals harm or which have the effect of retaliation, are considered harassment;
 - 7.2.14 Retaliatory actions against a participant in the complaint resolution process outlined in this Policy.
- 7.3 **Criminal Charges:** A criminal charge laid against a Member for any of the following criminal offenses, in any jurisdiction, will result in suspension by the Board of Directors from GymBC in accordance with the By-laws, and/or removal from GymBC Activities at GymBC's sole discretion, pending the outcome of such criminal charges:
- 7.3.1 Any child pornography offences;
 - 7.3.2 Any sexual offences;
 - 7.3.3 Any offence of physical or psychological violence;
 - 7.3.4 Any offence of assault; or
 - 7.3.5 Any offence involving trafficking of illegal drugs.

A criminal conviction in any jurisdiction for any of the foregoing will result in expulsion from GymBC, by the GymBC Board of Directors, following the process set forth in the By-laws.

8.0 APPOINTMENT OF A CASE MANAGER

Within five (5) business days of the date GymBC receives a complaint, the complaint shall be assigned by GymBC to a Case Manager.

9.0 INFORMAL RESOLUTION OR REFERRAL TO ADR

- 9.1 **Informal Resolution during GymBC Activities:** Where the complaint alleges, on its face, a minor infraction, the person having responsibility over the event such as a team manager or chef de mission, the **Responsible Delegate** should be considered the case manager during the GymBC Activity. They may attempt to resolve a complaint informally, including the imposition of disciplinary sanctions. The description of a minor infraction is included in section 7 of this policy. If informal resolution is successful, the **Responsible Delegate** shall communicate and confirm the satisfactory informal resolution of the complaint/minor infraction, and any disciplinary sanctions issued, to the Complainant, the Respondent, and to GymBC. GymBC shall maintain records of such actions and communication. If no resolution of the complaint/minor infraction is achieved through an informal process, GymBC may, in its sole discretion appoint a Case Manager that shall proceed to continue to address the complaint pursuant to this Policy. The **Responsible Delegate** may impose an immediate suspension from the GymBC Activity, or other similar sanctions, for the remaining duration of the GymBC Activity only.

- 9.2 **Informal Resolution:** Where the complaint alleges, on its face, a minor infraction (as determined in the sole discretion of the Case Manager), the Case Manager may, in their sole discretion, attempt to resolve a complaint informally, including with respect to the imposition of disciplinary sanctions. If informal resolution is successful, the Case Manager shall communicate and confirm the satisfactory informal resolution of the complaint, and any disciplinary sanctions issued, to the Complainant, the Respondent, and to GymBC, and keep such communication in the records of GymBC. If no resolution of the complaint is achieved through an informal process, the Case Manager shall proceed to continue to address the complaint pursuant to this Policy.
- 9.3 **Referral to ADR:** At any time during the complaint, hearing or discipline process, the Case Manager or any of the Parties may request and, by mutual agreement, refer the complaint to alternative dispute resolution (“ADR”), pursuant to the **Alternative Dispute Resolution Policy**. Should the Parties not agree to pursue ADR, or if either Party chooses to forego ADR, the complaint shall continue to be addressed under this Policy.

10.0 CASE MANAGER - PRELIMINARY STEPS

The Case Manager assigned to the complaint shall conduct a preliminary review of the complaint as submitted, with a view to making the following preliminary determinations in his or her sole discretion:

- 10.1 **Jurisdictional Determination:** Whether the complaint is within the jurisdiction of GymBC. Complaints that are not within the jurisdiction of GymBC shall be dismissed at this stage. The Case Manager shall, in a timely manner communicate the decision to dismiss the complaint on this basis to the Complainant and to GymBC.
- 10.2 **Frivolous or Vexatious Complaints:** Whether the complaint is, on its face, Frivolous or Vexatious. Complaints that are determined to be Frivolous or Vexatious shall be dismissed at this stage. The Case Manager shall timely communicate the decision to dismiss the complaint on this basis to the Complainant and to GymBC.
- 10.3 **Notice to Respondent:** The Case Manager shall provide notice to the Respondent of the complaint, which notice shall contain the following, at a minimum:
- 10.3.1 A copy of the complaint as submitted; and
- 10.3.2 Confirmation as to the number of independent persons will be appointed to the Panel and the expected time frame for such appointment.

11.0 REPRESENTATION BY A THIRD PARTY

At any stage in the process outlined in this Policy, any Party may designate another (uninvolved) individual of their choice, including but not limited to legal counsel, to represent them in the processes outlined in this Policy.

12.0 NOMINATION OF PANEL AND CONDUCT OF HEARING

- 12.1 **Nomination of a Panel:** Following the completion of the steps set forth in Section 11.0, the Case Manager shall appoint a panel (the “Panel”) which shall consist of one (1) independent person, and in certain circumstances in the sole discretion of the Case Manager, the Panel shall consist of three (3) independent persons. If a Panel of three (3) persons is appointed, the Case Manager will appoint one of the Panel’s members to

serve as the chairperson of the Panel. The Panel shall hear and adjudicate on the complaint and to impose discipline if applicable.

- 12.2 **External Advice:** In fulfilling its duties, the Panel may obtain independent advice, including legal or such other expert advice as is deemed to be necessary or advisable. GymBC shall be responsible for the costs of such external advisors.
- 12.3 **Purpose of a Hearing:** The Panel is responsible for holding a hearing, as described in this Section, for the purpose of determining whether a breach or violation of any GymBC Policy has occurred, and the appropriate disciplinary sanctions, including the time frame applicable to such sanctions, if applicable.
- 12.4 **Format of Hearing:** The Case Manager has the sole discretion to determine whether the resolution of the complaint shall proceed by way of a documentary hearing, or an oral hearing.
 - 12.4.1 **Documentary Hearing:** A documentary hearing refers to a hearing conducted by means of a review solely of documentary submissions by the Complainant, the Respondent as requested by the Panel.
 - 12.4.2 **Oral Hearing:** An oral hearing refers to a hearing conducted in-person, by telephone, by video-conference or by such other electronic means as the Panel may decide, to be attended by any or all of the Complainant, the Respondent and any individuals who have made witness statements, as requested by the Panel. The Panel conducting an oral hearing may also request that the Parties, and witnesses (if applicable) provide written submissions in advance of the oral hearing.
- 12.5 **Waiver of Hearing:** If at any time the Respondent acknowledges the underlying allegations contained in a complaint, the Respondent may waive the hearing, in which case the Panel will proceed to determine the appropriate disciplinary sanction(s). The Panel may still hold a documentary or oral hearing for the limited purpose of determining the appropriate disciplinary sanction(s).
- 12.6 **Hearing Procedures:** Hearings will be governed by the procedures that the Panel deems appropriate in the circumstances, provided that the following shall always apply:
 - 12.6.1 Timelines will be established and adhered to that ensure procedural fairness.
 - 12.6.2 If a Party to the complaint is a minor, the minor must have a parent or guardian present if the hearing is an oral hearing.
 - 12.6.3 The Panel shall review all relevant GymBC Policies and other relevant sources of information.
 - 12.6.4 Copies of any written documents that any Party wishes to have the Panel consider will be provided to all other Parties in advance of the hearing.
 - 12.6.5 Any decisions will be by a majority vote of Panel members.
 - 12.6.6 In the case of an oral hearing, the Parties will be given appropriate notice of the day, time, and place of the hearing and whether such oral hearing shall be conducted in-person, by telephone, by video-conference or by other electronic means.

- 12.7 **Participation in a Hearing:** If a Party chooses not to participate in a hearing, whether documentary or oral, the hearing will proceed in any event and all Parties will be bound by the decisions.

13.0 DISCIPLINARY SANCTIONS

13.1 General:

- 13.1.1 In all instances of disciplinary sanctions, detail with respect to the disciplinary sanctions imposed shall be recorded in writing by the Panel, or the Case Manager at the direction of the Panel, and communicated in writing to both the Complainant and the Respondent. Confirmation of the communication with the Complainant and the Respondent shall also be maintained in the Case Manager's final file with respect to the complaint.
- 13.1.2 Unless the Panel decides otherwise, or in the event that approval of the discipline by the Board of Directors is required pursuant to the By-laws (for example, in the event of expulsion of a Member from GymBC), disciplinary sanctions will have immediate effect.
- 13.1.3 Failure to comply with a disciplinary sanction, as determined by the Panel in its sole discretion, will result in immediate referral to the Board of Directors of GymBC for suspension of membership, as set forth in the By-laws, until such time as compliance occurs.

13.2 **Sanctions:** The following disciplinary sanctions may be applied by the Panel to a Party, individually or in combination:

- 13.2.1 Verbal reprimand;
- 13.2.2 Written reprimand;
- 13.2.3 Requirement to provide a verbal or written apology;
- 13.2.4 Requirement to provide service or other voluntary contribution to GymBC;
- 13.2.5 Removal of certain privileges of membership for a designated period of time;
- 13.2.6 Suspension from the current competition, activity, or event, or from specifically prescribed GymBC Activities for a specific period of time;
- 13.2.7 In the case of GymBC Personnel, a temporary suspension of employment;
- 13.2.8 Referral to the Board of Directors of GymBC with the recommendation that the Board of Directors of GymBC suspend or expel the Party from membership with GymBC, pursuant to the By-laws;
- 13.2.9 Suspension from all GymBC Activities for a specific period of time, including pending the conclusion of any criminal investigation or similar proceedings;
- 13.2.10 Removal from any volunteer appointment such as being a member of a GymBC committee;
- 13.2.11 Withholding of prize money or awards;

- 13.2.12 Requirement to pay for the cost of repair or remediation of property damage;
 - 13.2.13 Suspension of all or any funding provided by GymBC to the Party, and/or a recommendation to other funding sources (such as GymCan) that any or all funding provided to the Party being sanctioned be suspended, in all cases for a specified period of time;
 - 13.2.14 Requirement to attend and complete educational courses with a view to addressing specific concerns that pertain to the infraction; and/or
 - 13.2.15 Any other sanction considered by the Panel to be appropriate for the infraction.
- 13.3 **Escalation of Sanctions:** Repeated complaints against a Member that are substantiated by a Panel will result in escalating seriousness of disciplinary sanctions in future sanctions decisions. The Case Manager shall provide relevant information to the Panel with respect to the Member's disciplinary history following receipt of the decision, which the Panel may then consider and may amend the sanctions accordingly and re-issue the decision.

14.0 SUSPENSION PENDING A HEARING

- 14.1 **Infraction Alleged During an GymBC Activity:** In the event that a serious infraction is alleged to have taken place during an ongoing GymBC Activity, for example during the course of a competition or training camp, a Complainant shall immediately notify an GymBC person having responsibility over the event (such as a team manager or a chef de mission) (the **"Responsible Delegate"**) and shall make every effort to immediately notify the GymBC CEO and Safety Officer. The Responsible Delegate, in consultation with the GymBC CEO and Safety Officer, where possible, or the GymBC CEO or Safety Officer, having regard to the seriousness of the alleged infraction and the reasonableness of the basis upon which such allegation has been made, may impose an immediate suspension from the GymBC Activity for the remaining duration of the GymBC Activity only. A formal complaint then is required to be submitted as soon as possible pursuant to this Policy. Further disciplinary sanctions may be applied by the Panel.
- 14.2 **Extraordinary Circumstances:** In the case of an allegation of a serious infraction that, if substantiated, could result in a criminal investigation, criminal charges or other law enforcement proceeding, a Panel may be constituted for the limited purpose of determining whether the suspension of the Respondent pending completion of a hearing pursuant to this Policy is appropriate, or whether other measures can reasonably be taken to mitigate against any risk to GymBC, its Members and/or any member of the public short of suspension. Should the Panel determine that suspension of membership from GymBC pending a hearing is necessary, this recommendation shall, on an urgent basis, be communicated to the Board of Directors of GymBC for a decision pursuant to the By-laws. The Board of Directors shall act upon the recommendation of the Panel.
- 14.3 **General:** Any short-term or interim suspensions shall have clear limits and activity restrictions imposed on the Respondent that are directly relevant to the alleged serious infraction, to allow the Respondent to maintain as many aspects of their membership with GymBC as possible pending a hearing and a decision by a Panel. The Panel, in consultation with the Case Manager, will consider and determine if suspensions issued

under these circumstances can, should or are required to be disclosed to any other GymBC Members or with any other group or individual.

15.0 DECISIONS OF THE PANEL

- 15.1 **Written Reasons:** Following the conclusion of the hearing, the Panel will determine whether an infraction has occurred and, if so, the disciplinary sanctions to be imposed including any time period applicable to such sanctions. Within fifteen (15) business days of the hearing's conclusion, the Panel shall provide their written decision, with reasons, to the Case Manager for distribution to all Parties and to GymBC. In extraordinary circumstances, the Panel may first issue a verbal or summary decision immediately or soon after the hearing's conclusion, with the full written decision to be issued by the end of the fifteen (15) business day period.
- 15.2 **Public Record:** The decision is confidential but may be communicated to member clubs and other organizations, in confidence and/or in summary form at the discretion of Gymnastics BC, for the purposes of enforcing or administering the decision. At the Panel's discretion, the Panel may decide that the decision - or a redacted version of the decision - may be a matter of public record. If the Panel decides that only part of the decision may be public record - the Panel will provide guidance regarding which sections of the decision must be redacted.
- 15.3 **Compliance Required:** It shall be considered to be a condition of ongoing membership in good standing of GymBC that all disciplinary sanctions rendered under this Policy be respected and complied with by the Respondent.

16.0 PROHIBITION AGAINST RETALIATION

Retaliation occurs when an individual experiences or is subject to negative consequences due to reporting or participating in an investigation or related process. The Complainant and the Respondent have the right to participate in the complaint resolution process outlined in this Policy, and any other GymBC Policy, without fear of retaliation. Retaliation against anyone who reports a complaint or who participates in any aspect of the process outlined in this Policy is strictly prohibited. Any Member or other third party who experiences retaliation due to reporting a complaint or for participation in an investigation or hearing process should report such retaliation to GymBC as soon as possible. Acts of retaliation will be addressed as a serious infraction.

17.0 REINTEGRATION

Where disciplinary sanctions have been issued by a Panel for a serious infraction which resulted in the suspension or expulsion of a Respondent from GymBC Activities, upon the GymBC's request, the Respondent will meet with GymBC, in a forum determined by GymBC, in order to plan for the Respondent's reintegration in GymBC Activities.

18.0 RECIPROCITY

The nature of disciplinary sanctions (without other case information) issued to a Member that may reasonably be considered to be relevant to GymCan, or could or should reasonably impact a current or former GymBC Member's ability to register with another gymnastics or other youth-serving provincial sport organization in Canada, may at the discretion of GymBC, be reported to GymCan or such other relevant organization. Where GymBC is obligated, pursuant to the terms of any reciprocity agreement with GymCan, to disclose the nature of any disciplinary sanctions imposed on an GymBC Member, GymBC shall do so.

19.0 CONFIDENTIALITY

- 19.1 **General:** Subject only to Section 15.2 which permits the final decision itself to be a matter of public record for GymBC Members, the fact of receipt of a complaint and the details of the complaint shall be treated as confidential and shall not be disclosed by GymBC or by the Case Manager to anyone, except in accordance with this Policy. All information with respect to the complaint and the hearing and discipline process shall be, and is required by all participants in the process to be, treated as confidential and shall not be disclosed to anyone, except as needed to follow this Policy. Until a final decision has been made by the Panel, disclosure of any information with respect to the hearing and disciplinary process shall be limited to the following persons, who are subject to the confidentiality and non-disclosure restrictions contained in the preceding sentence:

19.1.1 the Case Manager;

19.1.2 the Parties (and their designated representative(s), if applicable);

19.1.3 the Panel;

19.1.4 those GymBC Personnel who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process; and

19.1.5 any independent legal advisors consulted by the Panel in the discharge of their responsibilities pursuant to this Policy

Any breach of confidentiality shall itself be subject to discipline as set forth in this Policy.

- 19.2 **Limited Disclosure as Required by Law:** Where a complaint alleges any physical or sexual abuse of a Vulnerable Individual, GymBC is legally obligated to contact the parents or legal guardians of the Vulnerable Individual and/or relevant law enforcement and/or child welfare authorities. Such disclosure is permissible pursuant to this Policy.

20.0 APPEALS

The following determinations pursuant to this Policy are not appealable:

20.1 The appointment of the Case Manager;

20.2 The decision to refuse to accept jurisdiction over a complaint;

20.3 The dismissal of a complaint on the basis that it is Frivolous or Vexatious;

20.4 The decision of the Case Manager to proceed by way of a documentary or an oral hearing; and

20.5 The selection of the member(s) of the Panel, except on the basis of the existence of a conflict of interest or bias.

The decision of the Panel may be appealed in accordance with GymBC's ***Appeal Policy & Procedure***.

SCHEDULE "A" – GymBC COMPLAINT SUBMISSION FORM

Submit the completed form with attachments (2-page form)

Section 1: Complainant			
Name:		Date of Submission to GymBC:	
Phone number (day):	Phone number (evening):	Member Club:	
Email:			
Is this complaint being made on behalf of a minor? <input type="checkbox"/> No <input type="checkbox"/> Yes			
If yes, provide the name and age of the minor:			
Section 2: Respondent – Person or Entity Against Whom the Complaint is Being Made (Please complete as much as possible)			
Name:		Date:	
Phone # 1:	Phone # 2:	Member Club:	
Email:			
Is the Respondent a minor? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Name of parent or guardian of this minor:			

Complaint: Describe the incident(s) complained of in detail, including dates, locations, witnesses, and all pertinent information (attach additional pages if necessary).

Outline any additional information or supporting documentation that would be helpful.

Specify the relevant name and sections of GymBC Policies alleged to have been breached:

FOR GymBC STAFF

Date received:	Received by:	Name of Case Manager assigned:	Internal: ----- External: ----- Phone number: ----- Email: -----
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FOR CASE MANAGER

Does the complaint fall within the jurisdiction of GymBC? ☐ No (dismiss) ☐ Yes

Is the complaint Frivolous and Vexatious? ☐ No ☐ Yes (dismiss)

Is the information included in the complaint complete / sufficient to proceed? ☐ No ☐ Yes

Advise that complaint has been dismissed or request additional information prior to proceeding: ☐ Yes
Date:

Next Steps – Case Manager

1. Communication by Case Manager of receipt of complaint and provide preliminary process information to Complainant and Respondent:

☐ Yes Date: _____

2. Informal resolution or agreement to proceed to ADR? ☐ Yes Date:

3. Appointment of Panel: ☐ Yes Date: _____

4. Determination of format of hearing: ☐ Complete Format:

5. Panel Decision completed timely: ☐ Yes Date: _____

6. Panel decision communicated to Respondent and Complainant: ☐ Yes Date:

7. Decision and Materials Received by GymBC office: ☐ Yes Date:

CASE MANAGER – DESCRIPTION OF DUTIES AND RESPONSIBILITIES

Capitalized terms used in this description of duties and responsibilities are defined in the ***Complaints, Hearings and Discipline Policy & Procedure*** and/or the ***Appeal Policy & Procedure***.

General

1. In some of its policies, GymBC requires the appointment of a Case Manager. This description of duties and responsibilities outlines the role, identity, responsibilities and tasks of the Case Manager.

Terminology – Complaints and Appeals

2. The Case Manager has a role with respect to complaints submitted to GymBC as well as with respect to appeals of decisions made by GymBC or by a Panel on behalf of GymBC. For convenience, in this description, complaints and appeals are referred to together as ‘disputes’.

Identity

3. The Case Manager is appointed by GymBC at their sole discretion. The appointment of the Case Manager does not need to be approved by any of the other parties involved.
4. Wherever possible, for cost reasons and for the efficient management of complaints, the Case Manager will be the GymBC Safety Officer (or equivalent role). In some cases, where the GymBC Safety Officer position (or equivalent role) is vacant, or is or may be perceived to be non-independent or biased, an independent third party (external to GymBC and free from any conflict in relation to the complaint) will be appointed as Case Manager. In particular if the factual circumstances of a complaint are complex, or if a party to the complaint is an employee of GymBC or a member of the GymBC board of directors, an independent third-party Case Manager will be preferred.
5. The Case Manager should be experienced with the management of disputes in an unbiased manner. The Case Manager must not be connected in any way to the issue being disputed and/or the outcome of the dispute. The Case Manager does not need to be a Member of GymBC or have a background in gymnastics.
6. If an individual acted as the Case Manager for a complaint, the same individual cannot act as the Case Manager for an appeal related to that complaint.

General Duties and Responsibilities

7. The Case Manager’s primary role is to manage the administrative aspects of handling a dispute, such as making the preliminary determinations set forth in the applicable Policy, notifications to and communications with the Parties, requests for information, scheduling, etc.
8. The Case Manager is not acting as the Panel and is not to engage in a substantive review of the dispute (except in the limited fashion necessary for making the required preliminary determinations) or participate in the Panel’s decision-making process.

Discretion of Case Manager

9. Following receipt of a dispute by GymBC and the appointment of the Case Manager, the Case Manager is required to make a number of preliminary determinations. The Case Manager shall exercise their discretion in making such preliminary determinations, in particular in determining whether GymBC has jurisdiction over the dispute, and whether the dispute is Frivolous or

Vexatious. In making the required preliminary determinations, the Case Manager shall refer to the applicable GymBC Policies. At this stage, the Case Manager should consider the motivations of the Complainant/Appellant and if the dispute appears to be motivated by personal interest, bias, or a grudge held against GymBC or the Respondent.

10. In the case of an appeal, the Case Manager is not acting as the Appeal Panel and determining the merits of the appeal, but instead is simply determining whether the Appellant may have properly shown that an error, as described in the Appeal Policy, has been made.

Hearing Format – Discretion

11. The Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, in order of usual or expected frequency:
 - a) Written submissions; or
 - b) Conference call or videoconference;
 - c) Conference call together with written submissions; or
 - d) In person (extremely rare).
12. 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; and
 - g) The cost of each respective form of hearing, in the context of all of the above factors.

Panel Appointment

13. The Case Manager is required to appoint a Panel of one (1) person, or three (3) in rare circumstances, to decide the issue. The individual(s) appointed to a Panel should have the following characteristics:
 - a) Experience in dispute resolution;
 - b) Experience with sport disputes;
 - c) No connection to either party; and
 - d) No connection with GymBC that would constitute a conflict of interest.
14. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable GymBC Policy. For example, if the applicable policy does not permit the Panel to suspend a Respondent indefinitely, then the Panel cannot sanction a Respondent in this manner.

Communication

15. 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.
16. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant/Appellant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.

Suggested Procedure for Handling Complaints

17. The Case Manager may implement the following procedure to facilitate the procedures set forth in the applicable Policy:
- a) Receive the written complaint.
 - b) Determine whether the complaint is Frivolous or Vexatious, and whether the complaint is within the jurisdiction of GymBC.
 - c) Notify the Complainant of the appointment as the Case Manager, and that the complaint will be disclosed to the Respondent and to the Panel. Determine if there is additional evidence or written submissions required to supplement the complaint. If so, provide a deadline for receipt. (After this step, the Complainant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).
 - d) Notify the Respondent of the appointment as the Case Manager and the receipt of a complaint. Communicate to the Respondent that any submissions will be provided to the Complainant and Panel. Provide the Respondent within the timeframes set out in the applicable policy to submit a response 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 with an opportunity 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 new evidence submitted in a rebuttal.
 - f) Appoint the Panel.
 - g) Determine the format for the hearing and organize the hearing.
 - h) Ensure the Panel renders a written decision within a prescribed timeline.
 - i) Distribute the decision to the Parties and to GymBC

Policy Name: APPEALS POLICY		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This Policy replaces Section 7.0 of GymBC Conduct and Discipline Policy (October 13, 2017)		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 PURPOSE OF THIS POLICY

The purpose of this Policy is to outline a fair, expeditious and affordable process for appeals of decisions made by GymBC or a Panel, as applicable.

2.0 GYMBC'S COMMITMENT AND EXPECTATIONS

GymBC is committed to providing an appeal process that is consistent with principles of natural justice. Wherever possible and appropriate, GymBC intends for this process to be straightforward and accessible, without resulting in a need or requirement for regular recourse by the Parties to external legal counsel or processes.

3.0 SCOPE AND APPLICATION OF THIS POLICY

- 3.1 This Policy applies to:
 - 3.1.1 A decision made by a Panel pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***; and
 - 3.1.2 Except as specifically excluded in Section 3.2 below, a decision made by GymBC relating to eligibility, participation, or any other non-disciplinary matter deemed appropriate by GymBC.
- 3.2 Appeals will only be accepted if they are in response to decisions made by GymBC as a part of the ***Complaints, Hearings and Discipline Policy & Procedure***. Appeals for other matters (e.g., technical decisions, selection criteria) are addressed in the appropriate program manual (e.g., Women's Artistic Gymnastics Operations Manual).
 - 3.2.1 If an appellant is unsure which appeals process to undertake to address their concern, they should consult the CEO of GymBC.

4.0 APPEAL SUBMISSION REQUIREMENTS

- 4.1 **Deadline for Submission:** An appeal that falls within Section 3.1 of this Policy shall be submitted by the Appellant to the Case Manager within ten (10) business days from the date on which the decision being appealed was received by the Appellant. The appeal must contain the following information:

- 4.1.1 Contact information of Appellant;
 - 4.1.2 Identification of the decision being appealed;
 - 4.1.3 Detailed reasons or grounds upon which the decision is being appealed;
 - 4.1.4 Evidence the Appellant is relying on in support of the appeal, including references to applicable GymBC Policies;
 - 4.1.5 A description of the remedy sought; and
 - 4.1.6 \$250 payable to GymBC, which will be refunded if the appeal is upheld.
- 4.2 **Extension of Time:** An Appellant may request an extension to the deadline set forth in Section 4.1. The extension request must be received by the Case Manager prior to the expiry of the seven (7) day time period and must state the reasons for the requested extension and the requested length of time of the extension requested. The decision to allow, or not allow, an appeal where either the notice of appeal or the reasons for appeal have been submitted outside of the prescribed time periods and an extension had not been granted by the Case Manager, is at the sole discretion of the Case Manager, and may not be appealed.
- 4.3 **Notice to Respondent and Affected Parties:** The Case Manager shall, within three (3) business days of receipt of the submissions of the Appellant, notify the Respondent and any other Affected Parties that an appeal has been submitted by the Appellant.

5.0 GROUNDS FOR APPEAL

- 5.1 An appeal of a decision itself cannot be appealed. An appeal may only proceed pursuant to this Policy if there are sufficient grounds for appeal. Sufficient grounds for appeal exists where the Panel (or GymBC, in the case of appeal of a decision made by GymBC) is alleged to have:
- 5.1.1 Made a decision that it did not have authority or jurisdiction to make, or which exceeded its authority or jurisdiction (as set out in applicable GymBC Policies);
 - 5.1.2 Failed to follow the GymBC Policies; or
 - 5.1.3 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 is unable to consider other views).

The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, that the grounds for appeal are substantiated as described in this Section.

6.0 PRELIMINARY SCREENING OF APPEALS BY CASE MANAGER

- 6.1 **Preliminary Steps:** Upon receipt of a “notice of intention” to appeal and documents describing the grounds for appeal, all as set forth in Section **Error! Reference source not found.** above, including the prescribed the fee, the Case Manager will:
- 6.1.1 Determine if the appeal was submitted in a timely manner;
 - 6.1.2 Determine if the appeal falls under the scope of this Policy;
 - 6.1.3 Determine whether there may be sufficient grounds for the appeal.

- 6.2 **Decision to Proceed:** If the Case Manager determines that all criteria listed in Section 6.1:
- 6.2.1 have been satisfactorily met, the appeal will proceed to a hearing as set forth in this Policy;
 - 6.2.2 have not been satisfactorily met, the Appellant will be notified, in writing, of the reasons for this decision and the appeal will not proceed further.
- This decision of the Case Manager may not be appealed.
- 6.3 **Identification of Affected Parties:** In order to ensure the identification of any Affected Parties, the Case Manager will engage GymBC, the Appellant and the Respondent for their input on whether a party is an Affected Party. The Case Manager will then determine whether a party is an Affected Party in their sole discretion.
- 6.4 **Notification to Parties:** Within five (5) business days of receipt of the appeal submissions, the Case Manager shall notify the Parties as to the determination made pursuant to Sections 6.2 and 6.3 of this Policy.

7.0 NOMINATION OF APPEAL PANEL AND CONDUCT OF APPEALS HEARING

- 7.1 **Nomination of an Appeal Panel:** Following the Case Manager's decision pursuant to Section 6.1, the Case Manager shall appoint an appeal panel (the "**Appeal Panel**") which shall consist of one (1) independent person, responsible for hearing and rendering a decision on the appeal.
- In fulfilling its duties, the Appeal Panel may obtain independent advice, including legal or such other expert advice as is deemed to be necessary or advisable.
- 7.2 **Format of Hearing:** The Appeal Panel has the sole discretion to determine whether the resolution of the appeal shall proceed by way of a documentary hearing, or an oral hearing.
- 7.2.1 **Documentary Hearing:** A documentary hearing refers to a hearing conducted by means of a review solely of the decision being appealed, the applicable GymBC Policies, and any additional documentary submissions by the Appellant, the Respondent and other Affected Parties as requested by the Appeal Panel.
 - 7.2.2 **Oral Hearing:** An oral hearing refers to a hearing conducted in-person, by telephone, by video-conference or by such other electronic means as the Appeal Panel may decide, to be attended by any or all of the Appellant, the Respondent and other Affected Parties as requested by the Appeal Panel. The Appeal Panel conducting an oral hearing may also request that the Parties, and any other Affected Parties, provide written submissions in advance of the oral hearing.
- 7.3 **Appeal Hearing Procedures:** Hearings will be governed by the procedures that the Appeal Panel deem appropriate in the circumstances, provided that the following shall always apply:
- 7.3.1 Timelines will be established and adhered to that ensure procedural fairness.
 - 7.3.2 The Appeal Panel shall review all relevant GymBC Policies and other relevant sources of information.
 - 7.3.3 Copies of any written documents which the parties wish to have the Appeal Panel consider will be provided to all Parties in advance of the hearing. Redactions may be

made at the discretion of the Appeal Panel, where appropriate, having regard to privacy considerations and the context of the complaint generally, for example where the identification of a Vulnerable Individual may be undesirable.

7.3.4 In the case of an oral hearing:

7.3.4.1 the Parties will be given appropriate notice of the day, time, and place of the hearing and whether such oral hearing shall be conducted in-person, by telephone, by video-conference or by such other electronic means.

7.3.4.2 The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.

- 7.4 **External Advice:** Support will be provided to the Appeal Panel by external legal counsel or other external third parties, such as subject-matter experts, if appropriate and as-needed, having regard to the seriousness of the allegations in the complaint and the complexity of the complaint and investigation.

8.0 DECISION OF THE APPEAL PANEL

- 8.1 **Limit of Authority:** In making its decision, the Appeal Panel will have no greater authority than that of the original Panel or other decision-maker (in the case of a decision made by GymBC). The Appeal Panel may decide to:
- 8.1.1 Reject the appeal and confirm the decision being appealed; or
 - 8.1.2 Uphold the appeal and modify the decision.
- 8.2 **Authority to Assess Costs:** The Appeal Panel has the authority to determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Appeal Panel will take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.
- 8.3 **Written Reasons:** Within seven (7) business days of the hearing's conclusion, the Appeal Panel's written decision, with reasons, will be distributed to the Case Manager who will distribute it to the Parties and to GymBC. In extraordinary circumstances, the Appeal Panel may first issue a verbal or summary decision immediately or soon after the hearing's conclusion, with the full written decision to be issued by the end of the seven (7) business day period. The decision of the Appeal Panel will be considered a matter of public record, with appropriate redactions made to ensure privacy, where applicable, unless decided otherwise by the Appeal Panel.
- 8.4 **Decision of Appeal Panel is Final and Binding:** The decision of the Appeal Panel will be binding on the Parties. Any further appeal or consideration of the issue shall only be permitted pursuant to applicable law, however no action or legal proceeding will be commenced against GymBC or any of its Members in respect of a disciplinary matter or an appeal unless GymBC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in GymBC's policies and procedures.

9.0 CONFIDENTIALITY

- 9.1 **General:** Subject only to sections of this Policy which permit the final appeal decision itself to be a matter of public record for GymBC Members, all other information with respect to the appeals process shall be, and is required by all participants in the process to be, treated as

confidential and shall not be disclosed to anyone until the appeal has concluded, except as needed to follow this Policy. Until a final decision has been made by the Appeal Panel, disclosure of any information with respect to the appeal process shall be limited to the following persons, who are subject to the confidentiality and non-disclosure restrictions contained in the preceding sentence:

- 9.1.1 the Case Manager;
- 9.1.2 the Parties (and their designated representative(s), if applicable);
- 9.1.3 the Appeal Panel;
- 9.1.4 those GymBC Personnel who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process, and
- 9.1.5 any independent legal advisors consulted by the Appeal Panel in the discharge of his, her or their responsibilities pursuant to this Policy.

None of the forgoing persons or their representatives shall disclose any information relating to the appeal process or the underlying complaint, hearing or disciplinary process, to any person not listed above and not involved in the proceedings. Any breach of confidentiality shall itself be subject to discipline as set forth in the ***Complaints, Hearings and Discipline Policy & Procedure***.

Policy Name: CONFLICTS OF INTEREST POLICY AND PROCEDURE		Date of Approval: June 4, 2021	Activation Date: June 10, 2021
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: This Policy replaces the GymBC Confidentiality and Conflict of Interest Policy approved on October 13, 2017.		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 APPLICATION OF THIS POLICY

This Conflicts of Interest Policy & Procedure applies to all **GymBC Representatives**.

- 1.1 **GymBC Representatives** means any person employed by or engaged in activities with GymBC, including but not limited to: directors, officers, committee members, sub-committee members and staff of GymBC; judges and other officials; volunteers; team managers; and administrators.

2.0 PURPOSES OF THIS POLICY

- 2.1 The achievement of GymBC's purpose and objectives, as set forth in its By-laws, depends on the hard work and dedication of all GymBC Representatives and on the trust and relationship with its Members (as defined in the By-laws). GymBC must always strive to achieve its purpose and objectives in a manner which is, and is viewed to be, fair, consistent, and adhering to any confidentiality and privacy requirement.
- 2.2 The ability of individuals to make deliberate, thoughtful and disinterested decisions on behalf of GymBC, and/or to contribute to the development of GymBC's strategy, policy and procedure, and/or to discharge employment or contract duties for the benefit of GymBC, can be affected by other personal interests. GymBC requires, and in certain instances is legally entitled to, the best judgment of each GymBC Representative, free of influence from any personal interest or agenda and with a view at all times to the best interests of GymBC.
- 2.3 This Policy outlines the circumstances under which an actual or perceived conflict of interest is present, conflict of interest disclosure requirements, and the mitigation measures available to GymBC to manage any actual or potential conflict of interest situation.
- 2.4 This Policy does not prohibit conflicting interests, but provides a process to be followed to identify, disclose and manage the conflict responsibly.

3.0 DESCRIPTION OF A CONFLICT OF INTEREST

- 3.1 A conflict of interest may arise when a GymBC Representative is in a situation, or will likely be put in a situation, where the GymBC Representative has the opportunity to make a decision, or contribute to the making of a decision, by or on behalf of GymBC that may directly or indirectly benefit (financially, personally or otherwise) the GymBC Representative, his or her associated organization or persons affiliated or employed by the associated organization (e.g. the club in which the GymBC Representative is a coach, administrator, owner or parent of an athlete),

spouse, child, other family member, associates, or anyone else that the GymBC Representative has a relationship with that could reasonably be seen to create a conflict of interest situation, that is or may be contrary to GymBC's best interests.

- 3.2 GymBC Representatives are to avoid and/or disclose (to the CEO of GymBC) any activity in which the personal interests of the GymBC Representative may come into conflict or may appear to conflict with the interests of GymBC in its relations with current or prospective Members, partner organizations (such as GymCan and other provincial sports organizations), suppliers or others that GymBC deals with in the ordinary course of conducting its operations.

4.0 POSITION STATEMENT

- 4.1 No GymBC Representative shall have any position with, or an substantial interest in, any other business or enterprise whether operated for profit or not, the existence of which would conflict with or might reasonably be supposed to conflict with the proper performance in the normal course of his or her GymBC duties and responsibilities, or which might tend to influence his or her independence of judgment with respect to transactions between GymBC and such other business or enterprise, without full and complete disclosure to the GymBC Board of Directors.
- 4.2 Applicable to Directors:
- 4.2.1 Each GymBC Representative who is a member of the Board of Directors has a duty to act honestly and in good faith with a view to the best interests of GymBC, and to exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- 4.2.2 Personal transactions between any Director and GymBC are prohibited except when properly disclosed and mitigated as set forth in Section 6.0 below.
- 4.2.3 Directors may not obtain for themselves, their relatives or their friends, a material interest of any kind from their association with GymBC except when approved as set forth below.
- 4.2.4 If a Director has an interest in a proposed transaction with GymBC in the form of a significant personal financial interest or interest through affiliation with another organization involved in the transaction, he or she must make full and timely disclosure of such interest prior to any discussion or negotiation of such transaction.

5.0 EXAMPLES OF A CONFLICT OF INTEREST

- 5.1 **Common Sense:** *It is not possible to anticipate every conflict of interest situation that may be encountered. Common sense must be used.*
- 5.2 **Examples:** Without limiting the general scope of this Policy, the following relationships and courses of conduct are examples only, of matters that would be considered to involve a conflict of interest and require prompt disclosure, as set forth below:
- 5.2.1 Where a member of the GymBC board of directors is also a club owner or administrator, and an issue being considered by the GymBC board of directors may have a financial impact on the club.
- 5.2.2 Where a GymBC Representative is personal friends with a coach who is the subject of a disciplinary complaint, and that GymBC Representative is normally involved in the

complaint management process or has normal course access to information with respect to the management of complaints.

- 5.2.3 Where a member of the GymBC board of directors is a current or former employee of a club that may benefit from, or be sanctioned by, any decision, policy or procedure that the GymBC board of directors is considering.
- 5.2.4 Using or appearing to use GymBC property or confidential information for personal material benefit.
- 5.2.5 Influencing or attempting to influence GymBC suppliers, contractors or consultants for personal gain (e.g. inducing gifts or any form of kickback).

6.0 DISCLOSURE, MITIGATION, AND RECORD KEEPING

- 6.1 **Prompt Disclosure:** Should a GymBC Representative be in an actual or a potential conflict of interest situation, the GymBC Representative must promptly make disclosure of such situations to the CEO of GymBC or the Chair of the Board of Directors, or equivalent roles in the event of a change in title). A “Conflict of Interest Disclosure Form” (available on GymBC’s website and from GymBC Personnel) should be used for such disclosure. The disclosure will be reviewed and, if a conflict of interest is found, mitigation measures or conditions may be imposed.
- 6.2 **Third Party Knowledge of an Undisclosed Conflict:** In circumstances where a GymBC Representative is aware of an actual or potential conflict of interest situation involving another GymBC Representative which has not been disclosed pursuant to this Policy, the GymBC Representative shall advise the CEO of GymBC or the Chair of the Board of Directors, or equivalent roles in the event of a change in title) of the circumstances, for further inquiry.
- 6.3 **Mitigation – Recusal:** Where a GymBC Representative is in an actual or a perceived conflict of interest situation, the GymBC Representative shall not participate in any deliberations, discussions or decisions with respect to the subject-matter of the conflict of interest. Where the conflicted GymBC Representative is a director, such director shall not be present during deliberations on the matter in a meeting or otherwise, and shall not be permitted to vote on the matter.

It is the responsibility of the GymBC Representative to recognize when he or she is in a conflict of interest situation and to recuse him or herself as appropriate.

- 6.4 **Mitigation – Other:** The Governance Committee (or the Board of Directors, in the absence of a Governance Committee) may impose such other mitigation measures to address and manage the conflict of interest situation as may be appropriate given the facts and circumstances of the conflict. If the conflict of interest cannot reasonably be managed through the implementation of mitigation measures, the GymBC Representative may be requested to resign or step down from their role as a GymBC Representative in accordance with GymBC By-laws and the BC Societies Act.
- 6.5 **Meeting Minutes:** All discussions by the Board of Directors related to conflicts of interest shall be recorded in the minutes of the board of directors meeting.
- 6.6 **Failure to Disclose or Recuse:** The failure of a GymBC Representative to properly and timely disclose an actual or potential conflict of interest is a breach of this Policy. Disciplinary sanctions may result, pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***.

7.0 FINANCIAL BENEFITS

- 7.1 **Transactions Involving Potential Financial Benefit:** If the nature of the conflict of interest involves a proposed transaction or business dealing that will or may result (directly or indirectly) in a financial benefit to the GymBC Representative, his or her associated organization or persons affiliated or employed by the associated organization (e.g. the club in which the GymBC Representative is a coach, administrator, owner or parent of an athlete), spouse, child, other family member, associates, or anyone else that the GymBC Representative has a relationship with that could reasonably be seen to create a conflict of interest situation, the disclosure of the actual or potential conflict of interest must always be made in advance of any consideration by GymBC of the proposed transaction or business dealing. The GymBC Representative making such disclosure shall recuse themselves from any discussion or decision-making related to such transaction or business dealing.
- 7.2 **Considerations:** In considering whether or not to approve a transaction where a conflict of interest has been disclosed, the Directors must consider all relevant facts and circumstances, including but not limited to the process undertaken to select the counterparty to the transaction, the value of the transaction, the business needs of GymBC, and whether the transaction would reasonably appear to a reasonable person to be an unacceptable conflict of interest and where such perception could damage the reputation of GymBC.

8.0 GIFTS AND ENTERTAINMENT

- 8.1 From time to time, GymBC staff or board members may, in the normal course of business, be the recipients of gifts or the beneficiaries of entertainment during the course of, and due to, their role with GymBC. Any gifts, entertainment, or awards given to GymBC staff or Board members must be disclosed to GymBC's CEO.
- 8.2 A GymBC staff or board member must decline to accept any gift, series of gifts or entertainment, that exceed a value of \$100 CAD, where the receipt of such gifts or entertainment could be perceived as attempting to influence a decision or vote with respect to GymBC matters. If receipt of the gifts or entertainment has not been declined, the GymBC staff or board member will be subject to discipline as set forth herein and in the ***Complaints, Hearings and Discipline Policy & Procedure***.

9.0 BREACHES OF THIS POLICY

- 9.1 Breaches of this Policy will be addressed pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***.
- 9.1.1 Where the GymBC Representative found to be in breach of this Policy is a Director, the Board of Directors may request the resignation of the Director, or may vote to remove the Director in the manner set forth in the By-laws.
- 9.1.2 The Board of Directors may take such other steps as are appropriate to address any conflict of interest situation that cannot otherwise be properly addressed elsewhere in this Policy.

Policy Name: GYMBC TRAVEL POLICY		Date of Approval: January 16, 2023	Activation Date: January 18, 2023
Approved By: Gymnastics BC (GymBC) Board of Directors	Version: Replacing the June 4, 2021 version of the GymBC Travel Policy.		
Review Cycle: Reviewed annually by the Governance Committee and the Chief Executive Officer. Recommended amendments to be approved by the Board of Directors.			

1.0 PURPOSE

- 1.1. The purpose of this Policy is to inform athletes, parents, judges and coaches travelling to events outside of BC and outside of Canada of their responsibilities and the expectations of GymBC.

2.0 APPLICATION OF THIS POLICY

- 2.1 Certain individuals have responsibilities when teams or athletes travel outside the province or outside the country. These individuals include:
- 2.1.1 Parents traveling with a minor athlete
 - 2.1.2 Parents not traveling with a minor athlete
 - 2.1.3 Coaches
 - 2.1.4 Team Managers
 - 2.1.5 Chaperones
 - 2.1.6 Athletes

3.0 TRAVEL CONSENT FORM

- 3.1 Minor athletes traveling with individuals other than their parent/guardian must complete a Travel Consent Form (signed by their parent/guardian). The Travel Consent Form should be managed by a team manager or a Responsible Delegate (chaperone) travelling with the athlete.

4.0 CONDUCT DURING TRAVEL

- 4.1 All individuals traveling must adhere to GymBC's policies and procedures, particularly the Code of Conduct. In addition to the standards described in the Code and the responsibilities described in this Policy, GymBC requires the following:
- 4.1.1 Teams or groups of Athletes shall always have at least two Persons in a position of Authority with them; who when possible, represent the gender identities of the athletes

travelling.

- 4.1.2 Screened parents or other volunteers should be available to support the delegation in situations when two Persons in a position of Authority cannot be present
 - 4.1.3 No Person in a position of Authority may drive a vehicle alone with an Athlete unless the Person in a position of Authority is the Athlete's parent or guardian unless in an emergency situation
 - 4.1.4 A Person in a position of Authority may not share a room or be alone in a hotel room with an Athlete unless the Person in a position of Authority is the Athlete's parent/guardian or spouse
 - 4.1.5 Room or bed checks during overnight stays must be done by two Persons in positions of Authority
 - 4.1.6 For overnight travel when Athletes must share a hotel room/bed room, roommates will be age-appropriate. If this is not possible, GymBC's team managers will collaborate with technical staff, chaperones and coaches to determine suitable solutions.
 - 4.1.7 Athletes may only share rooms with other athletes of the same sex. Should an athlete be uncomfortable in a specific rooming situation, their concerns will be addressed on a case by case basis with the team manager and chaperone.
 - 4.1.8 Persons in a position of authority must be roomed separately from athletes, unless the athlete is the child of the coach, team manager or chaperone. Reasonable measures should be taken to supervise athletes in rooming situations.
- 4.2 Parents traveling with a minor athlete are responsible for their child during the entirety of the event and have the following additional responsibilities:
- 4.2.1 Pay all event fees prior to the start of travel
 - 4.2.2 Register for event accommodations in a timely manner. Accommodations outside of those arranged by the manager (such as staying with family, or at a different hotel) must be approved by the coach in advance of arrangements being made
 - 4.2.3 Punctual drop off and pick up of their children at times and places as indicated by coaches/team managers/chaperones
 - 4.2.4 Adhere to coach/team manager/chaperone requests for parent meetings, team meetings, or team functions and be punctual to such events
 - 4.2.5 Adhere to coach requests for athlete curfew times
 - 4.2.6 Adhere to coach requests for limiting outside activities (swimming, shopping, etc.)
 - 4.2.7 Report any athlete illness or injury

- 4.2.8 Report any incident likely to bring discredit to GymBC
- 4.2.9 Ensure that all passports (when applicable) are valid and not expired

4.3 Parents not traveling with the athlete have the following responsibilities:

- 4.3.1 Assign to their child a team manager/chaperone from among the other parents in attendance. The team manager/chaperone may not be a team coach, assistant coach, or chef de mission
- 4.3.2 Provide the team manager/chaperone with a Travel Consent Form
- 4.3.3 Provide the team manager/chaperone with emergency contact information
- 4.3.4 Provide the team manager/chaperone with any necessary medical information
- 4.3.5 Pay all event fees prior to the start of travel
- 4.3.6 Provide the child with enough funds to pay for food and incidentals
- 4.3.7 Ensure that all passports are valid and not expired

4.4 Team manager's/Chaperones have the following responsibilities:

- 4.4.1 Obtain and carry any Travel Consent Forms, emergency contact information, and medical information
- 4.4.2 Punctual drop off and pick up of their charges at times and places indicated by coaches
- 4.4.3 Adhere to coach or manager requests for parent meetings, team meetings, or team functions and be punctual to such events
- 4.4.4 Adhere to coach requests for athlete curfew times
- 4.4.5 Adhere to coach requests for limiting outside activities (swimming, shopping, etc.)
- 4.4.6 Report any athlete illness or injury
- 4.4.7 Report any incident likely to bring discredit to GymBC
- 4.4.8 Inspect hotel rooms rented for damage before check-in and after check-out. Report any damage to the coach, team manager/chaperone or Responsible Delegate
- 4.4.9 Approve visitors to the athlete accommodations, at their discretion
- 4.4.10 Unless otherwise agreed to in advance, team managers/chaperones will not have the responsibility of providing individualized behavioural management strategies, nor will they be required to administer prescription medication(s) to any individual. GymBC will take measures to ensure the athletes' health and safety is assured.

4.4.11 Team managers/chaperones will be provided with formal training from GymBC prior to their first assignment as a team manager with Team BC/GymBC.

4.4.12 Team managers/chaperones will be selected by the appropriate GymBC representative.

4.5 Coaches have the following responsibilities:

4.5.1 Arrange all team meetings and training sessions

4.5.2 Determine curfew times

4.5.3 Work in close co-operation with the team managers/chaperones on all non-sport matters and support team managers/chaperones as required

4.5.4 Report to GymBC any incident likely to bring discredit to GymBC

4.5.5 Together with the team managers, decide temporary disciplinary action to be taken at the scene of an incident, and report such incident and action to the parents of the athletes involved as well as to GymBC for further disciplinary action, if applicable, under the ***Complaints, Hearing, and Discipline Policy and Procedure***

4.6 Team/Event Managers have the following responsibilities:

4.6.1 Ensure an appropriate team manager/chaperone -to-athlete ratio that does not exceed fourteen athletes per team manager/chaperone

4.7 Athletes have the following responsibilities:

4.7.1 Arrive at each event ready to participate

4.7.2 Make any visitor requests to team manager/chaperone before the visit is expected

4.7.3 Represent GymBC to the best of their abilities at all times

4.7.4 Communicate any problems or concerns to the coaches and team manager/chaperone just as they would their own parents

4.7.5 Check in with the team manager when leaving their rooms

4.7.6 Not leave the hotel alone or without permission of the coach/team manager/chaperone and check-in when returning