



SAFE SPORT POLICY AND PROCEDURES

S 035: Discipline and Complaints Policy

POLICY

Cycling BC is committed to providing a sport and work environment that is safe, welcoming, inclusive, and respectful. Such an environment does not include or condone discrimination or harassment. Cycling BC recognizes that harassment is a form of discrimination, and like discrimination is prohibited by human rights legislation in BC. In its extreme forms, harassment can also be an offence under BC's Criminal Code.

Field of Application:

This Policy applies to all employees as well as to all directors, officers, coaches, athletes, team personnel, officials, and members of Cycling BC. It applies to discrimination and harassment that may occur during all Cycling BC business, activities, and events.

Harassment and discrimination arising within the business, activities and events of clubs, other provincial/territorial associations, affiliates, or partners of Cycling BC will be dealt with using the policies and mechanisms of such other organizations.

PROCEDURE

Complaints:

Competition related complaints should be made using the [Protest/Appeals Form](#). Protests must be submitted to the Chief Commissaire within 30 minutes of the event ending. Appeals should be submitted to the Event Services Manager within 24 hours. There is a \$25 charge for competition related protests and appeals.

All other complaints under this policy must be made within 30 days of the incident giving rise to the complaint and must be submitted using the [Cycling BC Complaint Submission Form](#).

Once a complaint is made, it is Cycling BC's role to serve in a neutral capacity in assisting in an informal resolution of the complaint, where this is appropriate.

If Cycling BC staff are unable to assist in an informal resolution of the complaint, or if informal resolution is not appropriate, the CEO shall inform the Ethics and Risk Committee and Board of Directors of Cycling BC of the complaint. The Ethics and Risk Committee shall determine whether the complaint warrants an investigation. In such cases, Policy S 040 Investigations shall apply.



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At Cycling BC's discretion, Cycling BC may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Cycling BC will identify an individual to represent Cycling BC.

Upon receipt of a complaint, Cycling BC has a responsibility to:

1. Determine whether the complaint is frivolous, and/or not within the jurisdiction of this Policy, and therefore dismissed (this decision is not appealable);
2. Propose to resolve the complaint by alternate dispute resolution;
3. Determine if the local police service should be contacted;
4. Determine if an investigation is required.

Cycling BC may, in its sole discretion, determine that the alleged incident is better addressed under a different Cycling BC policy or procedure.

Timelines Resolution of a complaint under this policy will depend on the nature of the complaint and whether the complaint requires investigation and or a hearing.

In cases where the complaint can be resolved informally, Cycling BC will resolve the complaint within 21 days of receipt.

In cases where the complaint requires an investigation and/or hearing, timelines will be established by the investigator and communicated to the complainant in due course.

Hearing and Decision

Where the Investigator recommends that a hearing take place, such hearing will occur in a timely manner, using fair procedures that afford all parties an opportunity to make representations to a Panel of three impartial decision-makers appointed by the Ethics and Risk Committee or the Board of Directors of Cycling BC. The format, timelines and procedures for the hearing will be at the discretion of the Panel. The Panel has an obligation to ensure a timely procedure that always respects the principles of procedural fairness.

The Panel will consider the evidence of the parties, relevant witnesses, and the Investigator's findings in making its decision and will issue a written decision. The decision of the Panel will take effect immediately and will be final and binding on all parties.

Discipline sanctions that may be imposed by the Panel include the following, singly or in combination, depending on the nature and severity of the case:

- o Verbal or written apology;
- o Letter of reprimand;
- o Removal of certain privileges of membership;
- o Suspension from membership for a defined period of time;



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- Indefinite suspension from membership to be reviewed at a future time;
- Termination of membership or employment;
- Publication of the decision.

Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Cycling BC until such time as the sanction is fulfilled.

Harassment and discrimination complaints arising during competition may be dealt with immediately by a Cycling BC representative in a position of authority. In such instances, disciplinary sanctions will be for the duration of the event only. Further sanctions may be applied but only after a review of the matter in accordance with the procedures in this Policy. This review does not replace the appeal provisions of this Policy.

Criminal Matters:

Notwithstanding the procedures set out in this Policy, any person to whom this Policy applies who is convicted of an offense under Section 5 of the Criminal Code of BC (Sexual Offenses, Public Morals and Disorderly Conduct), or is convicted of a similar offense of sexual nature, will face automatic suspension from Cycling BC for a period of time corresponding to the length of their criminal sentence, and may face further disciplinary action by Cycling BC in accordance with this Policy.

Confidentiality:

Cycling BC recognizes the sensitive nature of discrimination, harassment and member discipline and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Cycling BC will do so. It is also the Policy of Cycling BC to allow publication of the decision of the Panel, where the Panel directs publication as part of its decision.

Appeal:

An individual who is sanctioned under this Policy may appeal, in accordance with the Cycling BC's Appeal Policy (S 060).

Date Reviewed: May 2023

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