

# Provincial Women's Softball Association Discipline and Complaints Policy

## Purpose

1. The purpose of this policy is to set out the processes by which complaints or reports of violations of Provincial Women's Softball Association (P.W.S.A.) *Code*, the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), or other policy and/or applicable conduct standard will be dealt with through the dispute resolution process set out below.
2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of P.W.S.A., as updated, and amended from time to time.
3. Non-compliance with any of P.W.S.A.'s policies, by-laws, rules, or regulations may result in the imposition of sanctions pursuant to this policy and/or the by-laws of P.W.S.A. or, as applicable, those of its Member Associations.

## Application

### Application – General

4. This policy applies to all Participants and to any alleged breaches of P.W.S.A.'s policies, by-laws, rules, or regulations.
5. In addition to being subject to disciplinary action pursuant to this policy, an employee of P.W.S.A. or a Member Association who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or human resources policies, as applicable.

## Reporting

### Pathway for CSSP Participants

6. Any incident that involves alleged Maltreatment or Prohibited Behaviour (as defined in the UCCMS) and involving a Canadian Safe Sport Program (CSSP) Participant must be reported to the CSSP and will be addressed pursuant to the CSSP's policies and procedures.

7. Notwithstanding the requirement in section 6, the CSSP shall determine the admissibility of complaints related to any incidents that involve alleged Maltreatment or Prohibited Behaviour in accordance with the relevant and applicable CSSP policies and guidelines regarding the initial review and preliminary assessment as well as the terms of the CSSP Participant Consent Form.
8. If P.W.S.A. Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the CSSP and notify the participant(s) that made the complaint of such action.
9. If a complaint involves multiple Respondents, including one or more CSSP Participants, the Independent Third Party may hold the complaint in abeyance pending a jurisdictional determination by CSSP.

## Pathways for Participants

10. Any complaints involving alleged breaches of P.W.S.A.'s policies that do not fall within section 6 or 7, a complaint may be submitted by an Participant or any other participant to the Independent Third Party. For the avoidance of doubt, this includes complaints referred to the Independent Third Party by the Canadian Centre for Ethics in Sport (CCES) if the CCES determine that a complaint initially reported through the CSSP does not fall within its jurisdiction. The CCES is not required to comply with the deadline specified in this section.
  - a) If a complaint is filed with the Independent Third Party in writing after 30 days of the incident but within five (5) years of the alleged incident, the Independent Third Party may, at their sole discretion, determine whether to accept the complaint if they determine that there are reasonable grounds for the delay.
  - b) If the complaint is submitted five (5) years after the occurrence of the incident, the Independent Third Party may only accept a complaint if they determine that doing so is warranted based on their assessment of the following non-cumulative factors:
    - i. the relevant rules, norms and policies, including without limitation, social and legal norms, in effect at the time of the alleged event(s);
    - ii. the severity of the allegations and the facts and circumstances of the matter;
    - iii. the safety and well-being of participants and the sport community;
    - iv. the potential risks and prejudice from action and inaction, with safety being paramount;

- v. the ability to identify potential parties and witnesses and to obtain sufficient evidence; and
  - vi. the best interest of sport and those who participate in it, including the views of the person(s) directly impacted, when feasible.
    - 1. If a complaint submitted five (5) years after the incident involves allegations, if proven, would trigger a presumptive sanction of permanent ineligibility under the UCCMS, the complaint shall be accepted.
11. Notwithstanding any provision in this policy, P.W.S.A. may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process. In such cases, P.W.S.A. will identify a participant as their representative.
  12. A Complainant or any other participant who submits a report regarding a potential breach of P.W.S.A.'s policies who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential during the initial stages, the Independent Third Party may ask that P.W.S.A. take carriage of the complaint and act as the Complainant.<sup>1</sup>
    - a) The confidentiality of the Complainant's identity may not be guaranteed and will not be maintained for the entirety of the complaint process.
  13. Matters involving operational concerns or administrative decisions of a Member Association must be reported to the Member Association to be addressed.
  14. Where the Independent Third Party refers a matter to be managed by Member Association, or where a Member Association is otherwise responsible for managing a matter (i.e., because it involves operational issues of a Member Association), and the Member Association fails to conduct appropriate proceedings within a reasonable timeline, P.W.S.A. may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings.
    - a) In such circumstances, P.W.S.A.'s costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member Association to P.W.S.A.

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<sup>1</sup> In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

## Minors

15. Complaints may be brought by or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
16. Communication from the Independent Third Party, Internal Discipline Chair or Dispute Resolution Officer (as applicable) must be directed to the Minor's representative.
17. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
18. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

## Available Pathways and Processes - Summary

19. CSSP Participants designated by P.W.S.A. must follow the pathway indicated in section 6 and 7 of this *Discipline and Complaints* policy.
20. Violations of the UCCMS by P.W.S.A. Member Associations or Participants who are not designated CSSP Participants will be reported to P.W.S.A.'s Independent Third Party for screening and triage.
21. Violations of all P.W.S.A. policies by P.W.S.A. Member Associations or Participants taking part in P.W.S.A. activities shall be reported to P.W.S.A.'s Independent Third Party for review and triage.
22. For clarity, P.W.S.A.'s Independent Third Party will screen and triage in accordance with the following structure:
  - a) Complaints submitted by Participants while taking part in activities that fall within the scope of a Member Association's jurisdiction (i.e., Athletes, Athlete Support Personnel and volunteers of Affiliated Members or Associated Members) alleging breaches of Member Association policies and procedures shall be sent by the Independent Third Party to the relevant Member Association to adjudicate. In addition, violations of specific Member Association policies involving matters outside the purview of P.W.S.A.'s policies (i.e., involving operational concerns or administrative decisions of a Member Association)), as well as allegations of Workplace Harassment or Workplace Violence at the Member Association level, will be dealt with by the Member Association accordingly. Examples of matters involving

operational concerns or administrative decisions include, but are not limited to, the following:

- i. Issues involving refunds or fees specific to the Member Association;
- ii. Issues involving jerseys or equipment; and/or
- iii. Administration of Member Association-specific policies, practices or rules, generally

The relevant discipline policies and procedures of the Member Association shall govern the adjudication of this complaint, including policies related to the appeal of a decision of the Member Association.

- b) Complaints submitted by Participants (i.e., board members, staff, umpires and volunteers) alleging breaches of P.W.S.A. policies and procedures related to any P.W.S.A. programs (i.e. matters involving Team Ontario, Colour Your Dream, etc.) shall be submitted to P.W.S.A.
  - c) Complaints submitted by Participants under either the Member Association or P.W.S.A.'s jurisdiction alleging breaches of the UCCMS by those who are not designated as CSSP Participants shall be submitted to P.W.S.A. to be addressed through this policy.
  - d) Complaints submitted by Participants under P.W.S.A.'s jurisdiction who are not CSSP Participants against Participants under the jurisdiction of a P.W.S.A. Member Association who are not CSSP Participants (and/or vice versa) (i.e., a complaint arising between Member Association and a P.W.S.A. Athlete) shall be submitted to P.W.S.A. to adjudicate.
23. Decisions by the Independent Third Party to direct a complaint to a Member Association may not be appealed.
24. If a complaint that would be handled by the Independent Third Party falls within the jurisdiction of the Policy, the Independent Third Party will prepare a complaint summary which includes the specific allegations against the Respondent and supporting evidence. This complaint summary shall form the basis of the complaint process moving forward and must be provided to the Respondent.
25. If a complaint is submitted to the Independent Third Party and it does not fall within the jurisdiction of the Policy, the Independent Third Party must either direct the matter to a Member Association if appropriate or reject the complaint, providing appropriate reasons in writing. This decision may not be appealed.

## Independent Third-Party Responsibilities

26. Upon receipt of a complaint, the Independent Third Party has a responsibility to:

- a) determine whether the complaint falls within the jurisdiction of this Policy and whether it has been submitted in accordance with the deadlines indicated above;
- b) determine the appropriate jurisdiction to manage the complaint by considering whether the incident occurred within the business, activities, or Events of P.W.S.A. or one of its Member Associations;
- c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith<sup>2</sup>;
- d) determine if the alleged incident should be investigated pursuant to the *Investigation Procedure Policy*, below and
- e) choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

## Available Processes

27. There are two different processes that may be used to hear and adjudicate complaints involving Participants and Member Associations. Except where direct reports are permitted; the Independent Third Party decides which process will be followed at their discretion. Such decisions may not be appealable.

The following processes are available to Participants of P.W.S.A. or other participants who have submitted a complaint.

**Process #1** - the complaint contains allegations other than breaches of the UCCMS by an Participant falling under P.W.S.A.'s jurisdiction, or complaints between Participants involving both P.W.S.A.'s and the Member Association's jurisdiction. These violations include, for example, violations of the Code of Conduct, or other applicable conduct standards.

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<sup>2</sup> As indicated in the SDRCC's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

**Process #2** - The complaint contains allegations involving violations of the UCCMS by a Participant under either P.W.S.A.'s or the Member Association's jurisdiction.<sup>3</sup>

Please refer to "**Procedural Steps**" below regarding how Process #1 and Process #2 complaints are addressed.

28. If a complaint involves on-field behaviour that may be addressed under Process #1 but includes violations of the UCCMS, such complaints will be referred to a Dispute Resolution Officer who will consider the applicable conduct standards in determining the appropriate sanction.

## Provisional Measures

29. If it is considered appropriate or necessary on the basis of the circumstances, immediate sanctions or the imposition of a Provisional Measure may be imposed against any Participant or other participant by the President of the Board of Directors of P.W.S.A. pending completion of an investigation, assessment and/investigation under the CCSP, criminal process, or a decision of the Internal Discipline Chair or Dispute Resolution Officer, as applicable.
  - a) The Independent Third Party will notify P.W.S.A. of a complaint if the allegations involve behaviours identified under the Presumptive Sanction section of the UCCMS. In such circumstances, the Independent Third Party may only disclose a summary of the allegations and the identity of the Respondent(s), with no other identifying information provided.
30. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Measures may be imposed for the duration of a competition only, or as otherwise determined appropriate by the designated party at the competition.<sup>4</sup>
31. Notwithstanding the above section, P.W.S.A. may determine that an alleged incident at a competition is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation under the CSSP, criminal process, the hearing, or a decision of the Internal Discipline Chair or Dispute Resolution Officer. For the avoidance of doubt, P.W.S.A. shall have discretion to impose interim measures or a Provisional Suspension in addition to any measures imposed by the CCES through the CSSP, if applicable.

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<sup>3</sup> Any complaint submitted involving allegations of violations of the UCCMS by participants who have been designated by a Signatory as an CSSP Participants must be referred to the relevant body of CSSP for review.

<sup>4</sup> In-competition discipline or sanction imposed by the applicable official or authority does not prevent a Participant from facing additional disciplinary proceedings under the Code.'

32. Any Respondent against whom a Provisional Measure is imposed may make a request to the Internal Discipline Chair or Dispute Resolution Officer (as applicable) to have the Provisional Measure lifted. In such circumstances, P.W.S.A. shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have the Provisional Measure lifted. Provisional Measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Measure against them pending the completion of the complaint process.
33. Any decision, which shall be in writing with appropriate reasons, not to lift a Provisional Measure, is not subject to appeal.

## Procedural Steps

### Process #1:

#### Internal Discipline Chair

34. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will notify P.W.S.A., who will administer the process moving forward, including by appointing an Internal Discipline Chair.<sup>5</sup>
35. Once appointed, the Internal Discipline Chair will coordinate all administrative aspects of the process. They may, at their discretion:
  - a) Propose and apply alternative dispute resolution techniques, if appropriate;
  - b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos, or other recordings). The Internal Discipline Chair may exclude any evidence that is unduly repetitious or otherwise an abuse of process.
  - c) Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party);
  - d) following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or

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<sup>5</sup> The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.

teleconference to ask the Parties questions. The Internal Discipline Chair may allow the Parties to ask questions of one another.

36. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine if any of the incidents identified in the complaint summary occurred and, if so, determine the appropriate sanction (see Sanctions).
37. If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents identified in the complaint occurred or the incidents did not violate the applicable conduct standard, they shall dismiss the complaint.
38. The Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include appropriate reasons. The Internal Discipline Chair's decision will take effect immediately. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
39. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of P.W.S.A.
40. Decisions of the Internal Discipline Chair may not be appealed.
41. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Sanctions where an Participants' eligibility is restricted in any manner for a period of three months or more must be published in accordance with the *Publication Guidelines*.

## Process #2:

### Independent Third Party and Dispute Resolution Officer(s)

42. Process #2 deals with violations of the UCCMS by Participants. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will appoint a Dispute Resolution Officer to hear the complaint.
43. Thereafter, the Independent Third Party shall have the following responsibilities:
  - a) provide administrative assistance and logistical support to the Dispute Resolution Officer(s) as required, including providing the Dispute Resolution Officer(s) with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of P.W.S.A., any Member

Association or any other sport organization that had authority over the Respondent; and

- b) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
44. If warranted based on the extraordinary nature of the case, the Independent Third Party may, in their sole discretion, appoint a panel comprised of three (3) Dispute Resolution Officers.
- a) When a three-person panel is appointed, the Independent Third Party will appoint one of the Dispute Resolution Officers to serve as the Chair of the panel.
45. Once appointed, the Dispute Resolution Officer or the Chair, if applicable, will be the primary point of contact for the Parties, unless otherwise indicated.

## Dispute Resolution - General

46. The complaint process will be determined by the Dispute Resolution Officer or Chair, as they deem appropriate in the circumstances, provided that:
- a) within five (5) working days of their appointment, the Dispute Resolution Officer shall contact the Complainant(s) and the Respondent(s) to initiate the process;
  - b) all matters under this policy, including investigations, interviews, administrative meetings and hearings, may be held virtually or in person or a hybrid proceeding;
  - c) the process is expedited to be expedited, and must commence within five (5) working days from the Dispute Resolution Officer's first contact with the Parties, unless there are extenuating circumstances or scheduling considerations which reasonably delay the start of the hearing;
  - d) the Dispute Resolution Officer(s) will determine whether it is appropriate for the matter to proceed to alternative dispute resolution first (**See: Alternative Dispute Resolution**). If the Dispute Resolution Officer(s) do not believe that the matter should proceed to alternative dispute resolution or any of the Parties refuse to go to alternative dispute resolution, the matter will move directly to arbitration (**See: Adjudication Process**).

## Alternative Dispute Resolution

47. P.W.S.A. supports the principles of Alternative Dispute Resolution and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to

resolve disputes. Alternative Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy investigation, hearings, and appeals.

48. All Participants are encouraged to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences.
49. P.W.S.A.'s position is that negotiated settlements are most often preferable to arbitrated outcomes.
50. The Dispute Resolution Officer or Chair, at their discretion, shall apply appropriate alternative dispute resolution techniques to assist the Parties in resolving the complaint by reaching a negotiated settlement.
51. Should a negotiated settlement be reached, the settlement shall be reported by the Independent Third Party to all parties involved, as well as P.W.S.A. Following the settlement, any actions and/or sanctions shall be enacted in accordance with the timelines specified by the negotiated decision.
52. Should a tentative negotiated settlement be reached, the proposed settlement shall be reported to P.W.S.A. for approval if it involves any obligations or may reasonably impact the operations or reputation of P.W.S.A. P.W.S.A. may approve, reject, or propose amendments to a proposed settlement. Any decision by P.W.S.A. to approve, reject, or propose amendments to a negotiated settlement may not be appealed.
53. Any actions that are to take place because of the proposed settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.
  - a) The parties may not withdraw from the proposed settlement pending the approval of any actions to be taken by P.W.S.A.
54. Failure to comply with a signed negotiated settlement will result in the suspension of the participant from participating in sanctioned activities. The lifting of the suspension will be reviewed by P.W.S.A. upon the completion of all conditions identified in the signed negotiated settlement.
55. Any negotiated settlement will be final and binding on the parties. Negotiated settlements may not be appealed.
56. A non-disclosure agreement (NDA) or any other confidentiality provision entered as part of a negotiated settlement may not prevent the publication by P.W.S.A. or other applicable sport organization of sanctions on registries such as the Participant Abuse-Free Sport Sanctions Registry or Softball Ontario database. NDAs may not be entered into if a complaint involves allegations of Sexual Maltreatment, grooming and boundary

transgressions unless such an agreement:

- a) is the expressed wish and preference of the Complainant(s);
  - b) includes an opportunity for the Complainant(s) to decide to waive their own confidentiality in the future and the process for doing so;
  - c) aligns with the principles of the UCCMS;
  - d) is of a set and limited duration; and
  - e) does not adversely affect:
    - i. the health or safety of a third party, or
    - ii. the public interest
57. Any NDA in a complaint involving allegations of sexual Maltreatment, grooming and boundary transgressions must be reviewed and approved by the Dispute Resolution Officer. The Dispute Resolution Officer or Chair may, at their sole discretion, approve, reject, or propose amendments to an NDA.
- a) Any decision by the Dispute Resolution Officer or Chair to approve, reject, or propose amendments to an NDA may not be appealed.
58. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.
59. Should a negotiated settlement not be reached, the matter will proceed to arbitration.

## Adjudication Process

60. The Dispute Resolution Officer is responsible for determining the appropriate process of a hearing. The format of a hearing may be an in-person hearing, a hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
61. The Dispute Resolution Officer(s) shall ensure that:
- a) all Parties are given the opportunity to present evidence in a manner which complies with the fundamental principles of procedural fairness;
  - b) nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence or is inadmissible by any statute. The Dispute Resolution Officer(s) may allow any evidence at the hearing filed by the Parties and may exclude any evidence is unduly repetitious

or otherwise an abuse of process. The Dispute Resolution Officer(s) shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.

- c) if the Dispute Resolution Officer(s) grants a request from either Party for additional time, the Dispute Resolution Officer(s) has the authority to impose additional interim conditions.
- d) the Parties must be given:
  - appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium, and
  - copies of any written documents which the Parties wish to have the Dispute Resolution Officer(s) consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing.
- e) the Parties may engage a representative, advisor, or legal counsel at their own expense;
- f) if the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the Dispute Resolution Officer(s) will determine the appropriate sanction. The Dispute Resolution Officer(s) may still hold a hearing for the purpose of determining an appropriate sanction;
- g) the process will proceed if a Party chooses not to participate in the hearing;
- h) the Dispute Resolution Officer(s) may request that any other participant or organization participate and give evidence at the hearing, including P.W.S.A. or a Member Association representative, provided such participation is reasonably required to effectively conduct the proceedings and is not prejudicial to the interest of the Parties.
- i) If not a Party, a designated representative of P.W.S.A. shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted, bound by the confidentiality requirements of this policy. With the permission of the Dispute Resolution Officer, P.W.S.A. may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the Dispute Resolution Officer(s) to render its decision.

62. Any procedural decisions by the Dispute Resolution Officer(s) may not be appealed.

63. The Dispute Resolution Officer(s) has the power to modify a Provisional Measure and relieve against non-compliance with time limits, or any other technicality or irregularity as set out in this policy.
64. The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and P.W.S.A. and/or the Member Association are reasonable.
65. In fulfilling its duties, the Dispute Resolution Officer may obtain independent advice.

## Decision

66. After hearing the matter, the Dispute Resolution Officer will determine whether, on a balance of probabilities, an infraction has occurred and, if so, the sanctions to be imposed. If the Dispute Resolution Officer considers that an infraction has not occurred, the complaint will be dismissed.
67. Within fourteen (14) days of the conclusion of the hearing, the Dispute Resolution Officer's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to P.W.S.A. and the relevant Member Association(s).
68. In extraordinary circumstances, the Dispute Resolution Officer may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
69. The Dispute Resolution Officer's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Dispute Resolution Officer. The Dispute Resolution Officer's decision will apply automatically to P.W.S.A., its Member Associations and associated organizations, according to the terms of the *Reciprocation Policy*.
70. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, P.W.S.A. shall publish on their website a summary of the decision, which shall include the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Participant(s) involved as Respondent(s) and the sanction(s) imposed, if any, or as otherwise specified by the Publication Guidelines. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply.
  - a) Identifying information regarding Minors or Vulnerable Participants will never be published.

71. If the Dispute Resolution Officer dismisses the complaint, the information referred to in section 70 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in section 70 above will be kept confidential by the Parties, the Independent Third Party, P.W.S.A. and the Member Association and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.
72. Other participants or organizations, including but not limited to, Member Associations, shall be advised of the outcome of any decisions rendered in accordance with this policy.
73. Records of all decisions will be maintained by P.W.S.A. in accordance with their *Privacy Policy*.
74. When the Dispute Resolution Officer imposes a sanction, the decision shall include, at a minimum, the following information:
  - a) jurisdiction;
  - b) summary of the facts and relevant evidence;
  - c) where applicable, the specific provision(s) of P.W.S.A.'s policies, by-laws, rules or regulations that have been breached;
  - d) which party is responsible for the costs of implementing any sanction;
  - e) which organization is responsible for monitoring that the sanctioned participant respects the terms of the sanction;
  - f) any reinstatement conditions that the Respondent must satisfy (if any);
  - g) which organization is responsible for ensuring that the conditions have been satisfied; and
  - h) any other guidance that will assist the Parties to implement the Dispute Resolution Officer's decision.
75. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Dispute Resolution Officer regarding the order so that it can be implemented or monitored appropriately.

## Sanctions

76. When determining the appropriate sanction, the Internal Discipline Chair or Dispute Resolution Officer (as applicable) will consider the following factors:
- a) the nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
  - b) the Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
  - c) the respective ages of the participants involved;
  - d) whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) the Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of P.W.S.A.;
  - f) real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
  - g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability; illness);
  - h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - j) other mitigating or aggravating circumstances.
77. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.
78. The Internal Discipline Chair<sup>6</sup> or Dispute Resolution Officer, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

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<sup>6</sup> The Internal Discipline Chair is limited to imposing sanctions under section 78.a to 78.e and 78.g. Any period of suspension must be less than three (3) months.

- a) **Verbal or Written Warning** - a verbal reprimand or an official written notice that a Participant(s) has violated the *Code* and that more severe sanctions will result should the Participant(s) be involved in other violations
  - b) **Education** - the requirement that an Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS.
  - c) **Probation** - a specified amount of time within which certain terms and conditions must be met by the Participant, such as remaining in compliance with the *Code* and UCCMS. Should any further violations of the *Code*, the UCCMS or other applicable conduct standard occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
  - d) **Suspension** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of P.W.S.A. and its Member Associations. A suspended Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant(s) satisfying specific conditions noted at the time of suspension.
  - e) **Eligibility Restrictions** - restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
  - f) **Permanent Ineligibility** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of P.W.S.A.
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.
79. The Dispute Resolution Officer may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.

- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.
80. A Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with P.W.S.A. Such *Criminal Code* offences may include, but are not limited to:
- a) any child pornography offences;
  - b) any sexual offences; and
  - c) any offence of physical violence.
81. Any Participant who is alleged to be charged with any of the above Criminal Code offenses shall be subject to a Provisional Suspension from all P.W.S.A. and Member Association activities pending the outcome of the criminal process. The decision to suspend an Participant indefinitely, pending the outcome of the *Criminal Code* investigation, is not appealable.
82. Any Failure to comply with a sanction as determined by the Dispute Resolution Officer will result in an automatic suspension until such time as compliance occurs.

## CSSP Sanction

83. P.W.S.A. will ensure that any sanctions or measures imposed by the CCES will be implemented and respected within P.W.S.A.'s jurisdiction if P.W.S.A. receives appropriate notice of any sanction or measure under the CSSP, including with respect to any sanctions and/or measures implemented by Softball Canada that affects or concerns P.W.S.A. and its Participants.

## Appeals

84. The decision of a Dispute Resolution Officer may be appealed in accordance with the *Appeal Policy*, except where excluded by this policy.

## Confidentiality

85. The disciplinary process is confidential and involves only P.W.S.A., the Member Association (where applicable) the Parties, the Independent Third Party, the Dispute

Resolution Officer (as appropriate), and any independent advisors to the Dispute Resolution Officer.

86. None of the Parties (or their representatives or witnesses) or organizations referred to in section 85 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless P.W.S.A. is required to notify an organization such as an international federation, Softball Canada, Softball Ontario or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
87. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or Dispute Resolution Officer (as applicable).

## Timelines

88. If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the Independent Third Party may direct that these timelines be revised. Such decisions may not be appealed.

## Statistical Reporting

89. P.W.S.A. may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain any information that is confidential under this policy, or that has been ordered to be kept confidential by a discipline or appeal panel, but may include the number of complaints reported to the Independent Third Party (for P.W.S.A. and Member Associations), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Dispute Resolution Officer process, the discipline panel process, and the number of appeals filed pursuant to the *Appeal Policy* and whether the appeals were upheld, partially upheld or dismissed.

## Privacy

90. The collection, use and disclosure of any personal information pursuant to this policy is subject to P.W.S.A.'s *Privacy Policy*.
91. P.W.S.A., its Member Associations, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Dispute Resolution Officer, Internal Discipline Chair) shall comply with P.W.S.A.'s *Privacy Policy* in the performance of their services under this policy.

92. The Independent Third Party will maintain all information securely in accordance with industry standard data retention and privacy policy.

**Policy Name:** Discipline & Complaints Policy

**Ratification Date:** February 15, 2026

**Review Date:** February 2029

## Appendix A - Investigation Procedure

### Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.
2. Investigations are only to be conducted in limited circumstances, including where the allegations include breaches of the UCCMS that involve a Presumptive Sanction under the UCCMS.

### Investigation

3. If the Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be independent of the Independent Third Party and P.W.S.A., with experience in investigating. The investigator must not be in a conflict-of-interest situation and should also have no connection to either Party.
4. Federal and/or provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a Workplace. The investigator should review workplace safety legislation, the applicable organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
5. The investigation may take any form as decided by the investigator, guided by any applicable provincial legislation. The investigation may include:
  - a) interviews with the Complainant;
  - b) witness interviews;
  - c) statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant and provided to the Respondent;
  - d) interviews with the Respondent; and
  - e) statement of facts (Respondent's perspective) prepared by the investigator, acknowledged by the Respondent, and provided to the Complainant.

### Investigator's Report

6. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses

interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by a Dispute Resolution Officer pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code*, the UCCMS or any other relevant and applicable P.W.S.A. or Member Association policy. The investigator may also make non-binding recommendations regarding the appropriate next steps.

7. The Investigator's Report will be provided to the Independent Third Party who will disclose it, at their discretion, all or part of the investigation report to P.W.S.A. and the relevant Member Associations (if applicable). The Independent Third Party may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only, if necessary, other relevant Participants may be provided with an executive summary of the investigator's findings by the Independent Third Party.
8. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, P.W.S.A. and, where applicable, the Member Association, and the matter shall be referred by the Independent Third Party to the police.
9. The investigator must also inform P.W.S.A. or the Member Association (as applicable) of any findings of criminal activity. P.W.S.A. or the Member Association (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods, any crime involving Minors, fraud against the P.W.S.A. or a Member Association(s) (as applicable), or other offences where the lack of reporting would bring the P.W.S.A. or its Member Associations (as applicable) into disrepute.

## Reprisal and Retaliation

10. A participant who submits a complaint to the Independent Third Party or who gives evidence in an investigation may not be subject to reprisal or retaliation from any participant or group.
11. Any such conduct may constitute Prohibited Behaviour be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures of the CSSP through the CCES.

## False Allegations

12. A Participant who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and

may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to P.W.S.A. or the Member Association (as applicable) that the Participant be required to pay for the costs of any investigation that comes to this conclusion. Any Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Member Association and P.W.S.A. Events, activities, or business. P.W.S.A. or any Member Association(s) (as applicable), or the Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this section.

## Confidentiality

13. The investigator will make reasonable efforts to preserve the anonymity of the Complainant, witness or participant where appropriate and necessary. However, P.W.S.A. and its Member Associations recognize that maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

## Privacy

14. The collection, use and disclosure of any personal information pursuant to this policy by P.W.S.A. is subject to P.W.S.A.'s *Privacy Policy*.
15. P.W.S.A., its Member Associations, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Dispute Resolution Officer, Dispute Resolution Officer), shall comply with P.W.S.A.'s *Privacy Policy* and *Confidentiality Policy* (or, in the case if a Member Association, the Member Association's applicable policies) in the performance of their services under this policy.

## Appendix B - Publication Guidelines

1. Subject to P.W.S.A.'s *Discipline and Complaints Policy*, sanctions issued by the Dispute Resolution Officer will be considered a matter of public record, subject to the restrictions set out below.
2. Publication of any sanction will not take place until the disciplinary process undertaken by P.W.S.A. is complete, and/or appeal period, as the case may be, except as set out below.
3. Publication means the communication of information by making it known or accessible to the public through any means, including print, telecommunication or electronic means.
4. Notification means providing a written copy of any decision to an organization as required by the *Reciprocation Policy*. Parties who receive information regarding a decision may not publicly disclose this information, except as reasonably necessary to implement the terms of any sanction.
5. In accordance with the *Discipline and Complaints Policy*, once the appeal deadline in the *Appeal Policy* has expired (or, in accordance with the *Appeal Policy*, once the appeal decision has been distributed to the parties), or after receiving a copy of a decision, P.W.S.A. will, unless otherwise directed by the Internal Discipline Chair or Dispute Resolution Officer, publish a summary of the decision. This summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published.
6. If the Dispute Resolution Officer dismisses the complaint (or, in the case of an appeal, where the panel dismisses the appeal), the information referred to in the *Discipline and Complaints Policy* (or the *Appeal Policy* where applicable) may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in the *Discipline and Complaints Policy* will be kept confidential by the Parties, the Independent Third Party and P.W.S.A., and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.
7. Summaries will be posted in accordance with the following:
  - a) Where a sanction is imposed for a set period where an Participant is restricted in their involvement with the sanctioned activities of P.W.S.A. and its Member Associations, such as a suspension or a probationary period, the sanction will

be posted for the duration of the sanction. It will be removed once the identified time has passed.

- b) If there is a sanction that involves a period of ineligibility, the sanction will be posted for the period of ineligibility plus one year, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
  - c) If a sanction or discipline is conditional on the completion of training, education or other conditions, the sanction will be posted until the Participant has completed the required conditions to the satisfaction of P.W.S.A.
  - d) Publication shall take place following the completion of the complaint process. In exceptional circumstances, publication will take place to protect the public and/or if the integrity of P.W.S.A. and its activities will be affected by not publishing the sanction.
  - e) Publication bans are standard while a complaint is in progress with P.W.S.A. All information, except for information already publicly available or released, is subject to a publication ban and must be kept confidential until the process is completed, to protect the integrity of the process.
  - f) The publishing of interim suspensions and/or Provisional Measures will only take place in exceptional circumstances described above in subsection (d).
  - g) Publication bans are standard while a complaint is in progress with P.W.S.A. All information, except for information already publicly available or released, is subject to a publication ban and must be kept confidential until the process is completed to protect the integrity of the process.
8. Prior to publishing the summary, P.W.S.A. will, at their discretion, remove any confidential or sensitive material from the summary, including any identifying information about Participants or other participants named, unless these Participants are subject to a sanction and/or discipline in the decision.
  9. Identifying or personal information regarding Minor or Vulnerable Participants will never be published by P.W.S.A.
  10. Matters which are resolved prior to a decision will be subject to publication in accordance with the requirements of Section 6.
  11. Decisions involving sanctions imposed under the CSSP will be published according to the guidelines established by the CCES.

12. Nothing in the above prohibits P.W.S.A. from notifying relevant sport organizations of any decision imposing a sanction and/or discipline on an Participant, including Minor or Vulnerable Participant, as required by the *Reciprocation Policy*.
13. If a Minor or Vulnerable Participant is sanctioned and/or disciplined under a decision, any organization who receives notification of this decision must keep the decision confidential, except as reasonably necessary to implement the terms of the decision.
14. Records of all decisions will be maintained by P.W.S.A. in accordance with the *Privacy Policy*.

# Appendix C – Complaint Process Flow Chart

