



Complaint, Discipline and Appeal Policy

BC ALPINE December, 2023

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Discipline and Complaints Policy

(the “Policy”)

PURPOSE

1. Registered Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of BC Alpine as updated, and amended from time to time.
2. Non-compliance with any of BC Alpine’s policies, by-laws, rules, or regulations, as applicable, may result in the imposition of sanctions pursuant to this Policy or the by-laws of ACA or, as applicable.

APPLICATION

Application – General

3. This Policy applies to all Members and Registered Participants and to any alleged breaches of BC Alpine's policies, by-laws, rules, or regulations.
4. In addition to potentially being subject to disciplinary action pursuant to this Policy, an employee of BC Alpine, Member or affiliated organization may also be subject to consequences in accordance with the employee's employment agreement or BC Alpine, Member, or affiliated organization's human resources policies, if applicable.
5. The ITP in consultation with BC Alpine will determine the appropriate jurisdiction in which an infraction will be heard. Unless the ITP determines otherwise, minor infractions will be heard by the organization where the infraction occurred, and major infractions will be heard by BC Alpine when filed through the BC Alpine reporting mechanism.

REPORTING

UCCMS Participants

6. Incidents that involve alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the UCCMS) that occurred or continued as of November 3, 2022 involving a UCCMS Participant must be reported to the OSIC (<https://sportintegritycommissioner.ca/report>) and will be addressed pursuant to the OSIC's policies and procedures.
7. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before November 3, 2022 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by ACA as a UCCMS Participant.
8. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

Registered Participants

9. Any complaints involving alleged breaches of BC Alpine's policies that do not fall within Sections 5 or 6 above may be reported by a Registered Participant to the Independent Third Party in writing. For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction.
10. Notwithstanding any provision in this Policy, BC Alpine may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, BC Alpine will identify an individual to represent the organization.

11. A Complainant 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, the Independent Third Party may ask that BC Alpine take carriage of the complaint and act as the Complainant.¹
12. All complaints involving breaches of BC Alpine policies, by-laws, rules, or regulations or those of BC Alpine Members by Registered Participant will be directed to the designated reporting mechanism, as established by BC Alpine with an Independent Third Party. If the complaint primarily involves a violation of the policies, by-laws, rules, or regulations of a Member or an affiliated organization, in such circumstances, BC Alpine shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to BC Alpine managing the complaint.
13. Upon receipt of a complaint through the ITPC, the Independent Third Party may determine that a complaint primarily involves a violation of the policies, by-laws, rules, or regulations of a Member or affiliated organization, and the Member and/or affiliated organization fails to enter into a cost-sharing agreement within a reasonable timeline, BC Alpine may, at its discretion, may conduct the necessary proceedings. In such circumstances, BC Alpine's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member and/or affiliated organization to BC Alpine

MINORS

14. Complaints may be brought by or against a Registered Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
15. Communication from the Independent Third Party, BC Alpine Executive Director or Designated Representative, or Discipline Panel (as applicable) must be directed to the Minor's representative.
16. 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.
17. 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.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

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

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

- a) Determine whether the complaint falls within the jurisdiction of this Policy;
- b) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith²;
- c) Determine whether the complaint primarily involves a violation of the policies, by-laws, rules, or regulations of BC Alpine or a Member/affiliated organization.³
- d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

For clarity, complaints alleging violations as outlined in Process #2 will be processed by BC Alpine or re-directed to the OSIC and/or Alpine Canada *Alpin* where appropriate. Complaints alleging violations of Process #1 for participants outside of direct BC Alpine activities will be referred to the Member Club.

The Member Club may request BC Alpine take carriage of the matter, per Paragraph 12.

There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 5-7, the Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

Minor Infraction Process - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2

² As indicated in the Sport Dispute Resolution Centre of Canada'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.

³ In making this assessment, if the Independent Third Party determines that a complaint primarily involves a violation of the policies, by-laws, rules, or regulations of a Member or affiliated organization, the applicable behavioural standard of the organization will apply, using the process as set out in the Policy.

- c) Conduct contrary to the values of BC Alpine or those of one of its Members or affiliated organizations
- d) Non-compliance with the policies, procedures, rules, or regulations of BC Alpine or those of one of its Members or affiliated organizations
- e) Minor violations of the policies or bylaws of BC Alpine or those of one of its Members or affiliated organizations.

*** The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Major Infraction Process - the complaint contains allegations involving the following behaviours:

- a) Repeated incidents described in Process #1
- b) Hazing
- c) Abusive, racist, or sexist comments, conduct or behaviour
- d) Incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the “Code”) or the UCCMS which are not dealt by OSIC
- e) Major incidents of violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete’s preparation for a competition
- h) Conduct that intentionally damages the image, credibility, or reputation of BC Alpine or that of one of its Members or affiliated organizations
- i) Consistent disregard for the by-laws, policies, rules, or regulations of BC Alpine or those of one of its Members or affiliated organizations
- j) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Discipline and Complaints Policy* as applicable to address such alleged breaches
- k) Intentionally damaging the property of BC Alpine, one of its Members or affiliated organizations, or improperly handling any of the aforementioned organizations’ monies
- l) Inappropriate use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics

m) A conviction for any *Criminal Code* offense

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

PROVISIONAL SUSPENSIONS

19. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Registered Participant by BC Alpine Executive Director or Designated Representative after which further discipline or sanctions may be applied according to this Policy.
20. If an infraction occurs at a competition or during out of country training, it will be dealt with by the procedures specific to the competition or training, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the BC Alpine Executive Director or Designated Representative .⁴
21. Notwithstanding the above, BC Alpine and/or Independent Third Party may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the Discipline Panel.
22. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, BC Alpine shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
23. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1 (Minor Infractions): Handled by BC Alpine Executive Director or Designated Representative.

⁴ In-competition or out of country training discipline or sanction imposed by the applicable official or authority does not prevent a 'Participant' from facing additional disciplinary proceedings under the Code.

ACA Manager of Culture, Safety & Risk

24. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will forward the complaint to BC Alpine Executive Director or Designated Representative who may:
 - a) Propose alternative dispute resolution techniques, if appropriate; and/or
 - 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 BC Alpine Executive Director or Designated Representative, or their designate 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). 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); and/or
 - c) Following receipt of the Parties' submissions, BC Alpine Executive Director or Designated Representative may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
25. Following their review of the submissions and evidence related to the complaint, BC Alpine Executive Director or Designated Representative shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, BC Alpine Executive Director or Designated Representative considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
26. BC Alpine Executive Director or Designated Representative will inform the Parties of the decision, which shall be in writing and include reasons. BC Alpine Executive Director or Designated Representative's decision will take effect immediately, unless specified otherwise by BC Alpine Executive Director or Designated Representative. Should the circumstances require a decision to be rendered immediately or within a short timeline, BC Alpine Executive Director or Designated Representative may render a short decision, either orally or in writing, followed by a written reasoned decision.
27. Any decision rendered by BC Alpine Executive Director or Designated Representative shall be provided to and maintained in the records of the relevant affiliated organization, Member, and BC Alpine. 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.

28. Decisions under Process #1 may only be published if deemed necessary and appropriate at the sole discretion of BC Alpine Executive Director or Designated Representative.
29. In the event a party feels an action taken by the BC Alpine Executive Director or designated representative is inappropriate in a particular case, they may contact BC Alpine Executive Director or designated representative to discuss the matter with them and request the BC Alpine Executive Director or designated representative reconsider the action taken.

PROCESS #2: Handled by Independent Third Party and Discipline Panel

Independent Third Party

30. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint a Discipline Panel of one (1) person from the designated panel to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
 - a) Coordinate all administrative aspects of the process and set reasonable timelines.
 - b) Provide administrative assistance and logistical support to the Discipline Panel as required, including providing the Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of BC Alpine, any Member or any other sport organization that had authority over the Respondent.
 - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
31. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
32. If warranted based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint a Discipline Panel of three (3) people. When a three-person Discipline Panel is appointed, the Independent Third Party will appoint one of the Discipline Panel's members to serve as the Chair.
33. The Independent Third Party, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. This decision may not be appealed.

34. The hearing will be governed by the procedures that the Independent Third Party and the Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
- a) 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 BC Alpine and/or the Member are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The Discipline Panel may request that any other individual participate and give evidence at the hearing.
 - f) If not a Party, BC Alpine and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the Discipline Panel, BC Alpine and/or the relevant Member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the Discipline Panel to render its decision.⁵
 - g) The Discipline Panel shall 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 Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties.
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or

⁵ The purpose of this provision is not to provide the ACA or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide the ACA or a Member with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

- ii. is inadmissible by any statute.
 - i) The decision will be by a majority vote of the Discipline Panel when the Panel consists of three people.
- 35. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- 36. The process will proceed if a Party chooses not to participate in the hearing.
- 37. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal in their own right, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the Discipline Panel, and will be bound by the decision.
- 38. In fulfilling its duties, the Discipline Panel may obtain independent advice.

DECISION

- 39. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
- 40. Within fourteen (14) days of the conclusion of the hearing, the Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to BC Alpine and the relevant Member(s).
- 41. In extraordinary circumstances, the Discipline Panel 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.
- 42. The Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Discipline Panel. The Discipline Panel's decision will apply automatically to BC Alpine and all of its Members and associated organizations, [according to the terms of the Reciprocity Policy].
- 43. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, BC Alpine or the Member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Registered Participants involved and the sanction(s) imposed, if any. 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 by BC Alpine or one of its Members.

44. If the Discipline Panel dismisses the complaint, the information referred to in Section 40 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 40 above will be kept confidential by the Parties, the Independent Third Party, BC Alpine, and the Member (including the Respondent's club) 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 pursuant to this *Policy*.
45. Other individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, affiliated organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.
46. Records of all decisions will be maintained by BC Alpine in accordance with their Privacy Policy.
47. When the Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of BC Alpine's policies, bylaws, rules or regulations that have been breached;
 - d) Which Party or organization is responsible for the costs of implementing any sanction;
 - e) Which organization is responsible for monitoring that the sanctioned individual 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 Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

48. When determining the appropriate sanction, BC Alpine Executive Director or Designated Representative as applicable, will consider the following factors (where applicable):
- 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 individuals involved;
 - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of BC Alpine;
 - 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.
49. 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.
50. BC Alpine Executive Director or Designated Representative, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice that a Registered Participant has violated the *Code* and that more severe sanctions will result should the Registered Participant be involved in other violations.

- b) **Education** - The requirement that a Registered Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS.
- c) **Probation** - Should any further violations of the *Code* or the UCCMS 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** - 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 BC Alpine. A suspended Registered Participant may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Registered Participant satisfying specific conditions noted at the time of suspension.
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
- f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of BC Alpine.
- 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.

51. BC Alpine Executive Director or Designated Representative, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, 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 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.

52. A Registered Participant's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with BC Alpine. Such *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
 - b) Any sexual offences
 - c) Any offence of physical violence
53. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

OSIC SANCTION

54. As a Program Signatory to the OSIC, BC Alpine will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within BC Alpine's jurisdiction (including at the provincial, territorial and club level) once BC Alpine receives appropriate notice of any sanction or measure from the OSIC.

APPEALS

55. Any member or registrant of the BC Alpine who is affected by a decision of an official committee or decision-making body within BC Alpine has the right to appeal that decision. A member may not appeal any items that relate to the rules of competition, or elections held for executive positions.
56. A member who wishes to launch an appeal, hereinafter is referred to as the appellant.
57. An appellant must provide a written statement setting out their grounds of appeal to the ITP Officer within ten (10) business days of notification of the decision being appealed.
58. The written application to appeal must contain:
- a) Decision being appealed;
 - b) Grounds for Appeal;
 - c) Statement of facts;
 - d) Rule or regulation that has been contravened;
 - e) e) Remedy sought;
 - f) The proof of payment of the appeal fee as determined annually by BC Alpine.
59. An appeal may only be requested if sufficient grounds for an appeal are present. Sufficient grounds include:
- a) Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
 - b) Failing to follow procedures as laid out in the approved policies of the association;
 - c) Making a decision which was influenced by bias;
 - d) Exercising its discretion for an improper purpose;
 - e) Making a decision which was grossly unreasonable.

60. Within fifteen (15) business days of receiving the written appeal, the ITP Officer will refer application to the appropriate appeal panel composed of one (1) to three (3) individuals. The hearing panel may dismiss the appeal, or allow the appeal and, inter alia, revoke the sanction or findings, or impose a different sanction. In each case, the hearing panel must give reasons in writing for its decision.
61. If the Appeal is determined to be made on legitimate grounds, the ITP Officer will inform both the appellant and the respondent within ten (10) business days and will provide a copy of the appeal to the respondent.
62. If the Appeals Panel determines that the appeal is not made on legitimate grounds it will inform the appellant who will be granted no further avenues of appeal.
63. The respondent will be granted ten (10) business days to submit a rebuttal to the appellant's submission.
64. If the Respondent fails to return a written response and/or supporting documents/evidence, the appeal will proceed, nonetheless.
65. The Appeals Panel may, at its sole discretion and without holding a hearing, decide an appeal if, on the basis of the written documentation submitted to it, it is considered that the CPU Governing Documents have or have not been breached.
66. Written decisions are to be forwarded to the parties concerned within fifteen (15) business days of the respondent's rebuttal deadline date and, in cases where a personal hearing is held, within fifteen (15) business days after the date of the hearing.
67. Every appeal will be handled in a manner that upholds the principles of procedural fairness outlined in the BC Alpine Discipline and Complaints Policy.
68. Unless specifically determined by the ITP Officer, all appeals will be reviewed on the basis of the written documentation submitted to it.
69. Decisions rendered by the Appeals Panel are to be written and must include the names of the Appeals Panel members, the names of the parties, the grounds for the decision, the facts upon which it was based and the decision itself.
70. The ITP Officer will maintain records of all decisions. Making it available as appropriate.
71. Sanctions imposed, other than financial orders, remain in force until the Appeals procedure is completed.
72. Decisions are to be signed by the Appeals Panel.
73. Decisions may be communicated by electronic mail or by registered letter.

CONFIDENTIALITY

74. The disciplinary process is confidential and involves only BC Alpine, the Member (where applicable) the Parties, the Independent Third Party, BC Alpine Executive Director or designated representative, the Discipline Panel (as appropriate), and any independent advisors to the Discipline Panel.

75. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 54 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless BC Alpine is required to notify an organization such as an international federation, Sport Canada 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.
76. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by BC Alpine Executive Director or designated representative (as applicable).

TIMELINES

77. 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.

STATISTICAL REPORTING

78. BC Alpine may publish a general statistical report of the activity that has been conducted pursuant to this Discipline and Complaints Policy. This report will not include 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 BC Alpine and Members), and statistics regarding the number of cases that were resolved through alternate dispute resolution, BC Alpine Executive Director or designated representative, 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

79. The collection, use and disclosure of any personal information pursuant to this Policy is subject to BC Alpine's Privacy Policy.
80. BC Alpine, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, BC Alpine Executive Director or designated representative, shall comply with BC Alpine's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

DEFINITIONS

81. Terms in this Policy are defined as follows:
- a) ***Athlete*** – An individual who is an Athlete participant in BC Alpine who is subject to the policies of BC Alpine.

- b) **Athlete Support Personnel** - Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition.
- c) **Panel** – An individual or group of professionals, including but not limited to, lawyers, researchers, and sport administrators, independent of BC Alpine who may serve as a Discipline Panel, responsible for the adjudication of Major Infractions under Process #2.
- d) **Independent Third Party** – the individual retained by ACA to receive reports and complaints, and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy, Investigations Policy, and Appeal Policy*, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.
- e) **Complainant** – A Registered Participant who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in BC Alpine’s policies, by-laws, rules or regulations, or the UCCMS.
- f) **Director of Sanctions and Outcomes** – An OSIC individual responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable)
- g) **Discipline Panel** – A Panel of one or three people selected from the ITP who are appointed by the Independent Third Party to decide on complaints that are assessed under Process #2 of this Policy.
- h) **Event** - An event sanctioned by ACA or a Member, and which may include a social Event.
- i) **Harassment** – as defined in the Code.
- j) **Designated Representative** – An individual appointed by BC Alpine to decide on complaints that are assessed under Process #1 of this Policy. The responsibilities of the BC Alpine Executive Director or Designated Representative may be designated to another individual from time to time, including to a director, head coach, staff member, or other individual affiliated with BC Alpine but the designate must not be in a conflict of interest or have a direct relationship with any of the Parties.
- k) **Maltreatment** – as defined in the *UCCMS*
- l) **Minor** – as defined in the *UCCMS*.
- m) **Parties** – the individuals involved in a dispute.

- n) **OSIC** - Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner.
- o) **Registered Participant(s)** – Refers to all categories of individual members and/or registrants defined in the By-laws of BC Alpines who are subject to the policies, rules and regulations of BC Alpine, as well as all persons employed by, contracted by, or engaged in activities with, BC Alpine including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, managers, administrators, committee members, parents or guardians, spectators, committee members, or directors and officers.
- a) **Person in Authority** – Any Organizational Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, or directors and officers.
- p) **Power Imbalance** – as defined in the *UCCMS*.
- q) **Provisional Suspension** – means that the Registered Participant is barred temporarily from participating in in any capacity in any Event or activity of ACA and its Members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.
- r) **Respondent** – The Party responding to the complaint.
- s) **UCCMS** - *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the SDRCC.
- t) **UCCMS Participant** - A Registered Participant affiliated with ACA who has been a) designated by ACA and b) who has signed the required consent form. UCCMS Participants may include an Athlete, an official, an Athlete Support Personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing ACA in any capacity.
- b) **Vulnerable Participant** – as defined in the *UCCMS*.

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.

Investigation

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

Investigator's Report

5. Upon completion of their investigation, the investigator shall prepare a 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 Discipline Panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the Code of Conduct and Ethics, the UCCMS or any other relevant and applicable ACA or Member policy. The investigator may also make non-binding

recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).

6. 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 to ACA and the relevant Members (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 Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.
7. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, ACA and, where applicable, the Member, and the matter shall be referred by the Independent Third Party to the police.
8. The Investigator must also inform ACA or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (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 (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

Reprisal and Retaliation

9. An Organizational Participant/Individual/Registered 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 individual or group. 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 OSIC.

False Allegations

10. A Registered 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 BC Alpine or the Member (as applicable) that the [Organizational Participant/Individual/Registered Participant] be required to pay for the costs of any investigation that comes to this conclusion. Any Registered 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 and BC Alpine Events, activities, or business. BC Alpine or any Member(s) (as applicable), or the Registered

Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

Confidentiality

11. The Investigator will make reasonable efforts to preserve the anonymity of ACA, Respondent, and any other Party. However, ACA and its Members recognizes that maintaining full anonymity during an investigation may not be feasible.

Privacy

82. The collection, use and disclosure of any personal information pursuant to this Policy is subject to BC Alpine's Privacy Policy.
83. BC Alpine, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, BC Alpine Executive Director or Designated Representative, shall comply with ACA's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.