



**Squash Canada Discipline and Complaints Policy**  
**Amended March 31, 2023**

**This Policy has been prepared by Squash Canada to be a Pan-Canadian Policy applicable to Squash Canada and its PTAs that have approved the adoption of the Policy.**

**Approved by the Squash Ontario Board of Directors on June 26, 2023**

**Definitions**

1. The following terms have these meanings in this Policy:
    - a) *"Athlete"* - Includes any Individual who is registered with Squash Canada or a Member for either recreational or competitive purposes
    - b) *"Case Manager"* – An independent individual appointed by Squash Canada or a Member, as applicable, to fulfill the responsibilities described in this Policy. In order to be appointed as a Case Manager, the individual must have relevant experience and skills to manage complaints and perform their duties, either as a legal practitioner or sport administrator.
    - c) *"Complainant"* – The Party making a complaint pursuant to this Policy and as referred to in the *Investigations Policy*.
    - d) *"Complaint Resolution Officer"* – An individual appointed to handle the duties of the Complaint Resolution Officer as described in this Policy.
    - e) *"Days"* – Calendar Days.<sup>1</sup>
    - f) *"Designated Individual"* - any person chosen by Squash Canada or a Member to enforce the Code of Conduct at any Event
    - g) *"Event"* – Any Member or Squash Canada sanctioned competition, program, or squash-related activity, which may include a social Event.
    - h) *"Harassment"* – A vexatious comment (or comments) or conduct against an Individual or group, irrespective of whether the comment or conduct occurs in person or via any other media, including social media, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
      - i. Written or verbal abuse, threats, or outbursts;
      - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
      - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
      - iv. Leering or other suggestive or obscene gestures;
      - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
      - vi. Practical jokes which endanger a person's safety, or which may negatively affect performance;
      - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity, which does not contribute to any Individual's positive development, but is required to be accepted as part of a team or group, regardless of the individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
      - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
      - ix. Deliberately excluding or socially isolating a person from a group or team;
      - x. Persistent sexual flirtations, advances, requests, or invitations;
      - xi. Physical or sexual assault;
      - xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
      - xiii. Retaliation or threats of retaliation against a person who Reports harassment to Squash Canada or to a Member.
    - i) *"Independent Third Party"* – The independent individual retained by Squash Canada to receive complaints and to fulfill the responsibilities outlined in this Policy and the *Investigation Policy*, as applicable.
    - j) *"Individuals"* – All categories of membership defined in the Squash Canada Bylaws or, as applicable, the Bylaws of a Member, as well as people employed by, contracted by, or engaged in activities with Squash Canada or its Members including, but not limited to, employees, contractors, Athletes, coaches, mission staff, chefs de mission, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.
    - k) *"Maltreatment"* – As defined in the UCCMS and as amended from time to time by the SDRCC.
    - l) *"Member"* – Includes Squash Canada's Provincial/Territorial Associations.
    - m) *"Minor"* - Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged breach of any Squash Canada or Member policy has occurred. Adult Individuals are responsible for knowing the age of a Minor.
- \*\*\* Please verify local jurisdictions for potential changes \*\*\***
- n) *"Parties"* – The Complainant, Respondent, and any other Individuals or persons affected by the complaint, as determined in accordance with this Policy.

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<sup>1</sup> For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.



- o) *"Person in Authority"* – Any Individual who holds a position of authority within Squash Canada or a Member, including, but not limited to, coaches, officials, managers, administrators, chaperones, committee members, directors or officers. In addition to the responsibilities described for Individuals in the *Code of Conduct*, a Person in Authority shall be responsible for knowing what constitutes Maltreatment and Prohibited Behaviour.
- p) *"OSIC"* – The Office of the Sport Integrity Commissioner, an independent division of the SDRCC, which comprises the functions of the Sport Integrity Commissioner; also known as Abuse-Free Sport.
- q) *"Prohibited Behaviour"* – As defined in the UCCMS and as amended from time to time by the SDRCC.
- r) *"Report" (or "Reporting")* – As defined in the UCCMS and as amended from time to time by the SDRCC.
- s) *"Respondent"* – The Party responding to a complaint or investigation.
- t) *"SDRCC"* – The Sport Dispute Resolution Centre of Canada.
- u) *"UCCMS"* – The Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC.
- v) *"UCCMS Participant"* – An Individual affiliated with Squash Canada, as designated by Squash Canada, and who has signed the required consent form. For Squash Canada, UCCMS Participants include: Board Members, Employees and Contractors, National Team Athletes, etc.
- w) *"Workplace"* – Any place where Events, business or work-related activities are conducted. Workplaces include, but are not limited to, the office or facilities of Squash Canada or a Member, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment (wherever located), and work-related conferences or training sessions.
- x) *"Workplace Harassment"* – Vexatious comment(s) or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions.
- y) *"Workplace Violence"* – The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker.
- z) *"Vulnerable Participant"* – As defined in the UCCMS and as amended from time to time by the SDRCC.

#### **Purpose**

- 2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Squash Canada and Member policies, Bylaws, rules and regulations, as applicable and as amended from time to time. Non-compliance may result in sanctions pursuant to this Policy.

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

- 3. This Policy applies to all Individuals and to any alleged breaches of Squash Canada's policies, Bylaws, rules or regulations, or any of those of its Members that designate this Policy as applicable to address such alleged breaches.
- 4. This Policy applies to matters that may arise during the course of Squash Canada or Member (as applicable) business, activities, and Events including, but not limited to, competitions, practices, tryouts, treatments or consultations (e.g. massage therapy), training camps, travel associated with Squash Canada or Member activities, and any meetings or social Events.
- 5. This Policy also applies to Individuals' conduct outside of Squash Canada or Member business, activities, and Events when such conduct adversely affects relationships within Squash Canada or the Member (and its work and sport environment), is detrimental to the image and reputation of Squash Canada or the Member, or upon the acceptance of Squash Canada or the Member.
- 6. Without limiting the generality of the foregoing, this Policy applies to alleged breaches of the *Code of Conduct* by Individuals who have retired from the sport of squash where any claim regarding a potential breach of the *Code of Conduct* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct* that occurred when the Individuals involved interacted due to their mutual involvement in the sport of squash or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or Reports an incident that occurred at a time during which a different Squash Canada or Member policy was in force (i.e., *Code of Conduct*, *Discipline and Complaints Policy*), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred, to determine whether an offense or breach of the policy has occurred, unless the discipline panel hearing the matter determines that the principle of *lex mitior* applies to the circumstances of the case. However, for such cases, this Policy will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Independent Third Party at their sole discretion and shall not be subject to appeal.

- 7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
- 8. In addition to being subject to disciplinary action pursuant to this Policy, an employee or contractor of Squash Canada or a Member who is a Respondent to a Report may also be subject to consequences in accordance with the applicable organization's policies for human resources or an employment/contractor agreement.



## Minors

9. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process. Any Individual who Reports or brings a complaint on behalf of a Minor that involves known or suspected abuse, neglect or Maltreatment of a Minor that is not Reported to the OSIC pursuant to Sections 13-15 below must also Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.
10. Communication from the Independent Third Party, Complaint Resolution Officer, Case Manager, or discipline panel, as applicable, must be directed to the Minor's representative.
11. 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.
12. A Minor is not required to attend an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

## Reporting a Complaint

### UCCMS Participants

13. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred or continued as of April 1, 2023 involving a UCCMS Participant must be reported to the OSIC and will be addressed pursuant to the OSIC's policies and procedures.
14. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before March 31, 2023 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, at their sole discretion. 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 the NSO as a UCCMS Participant.
15. 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.

### Individuals

16. Complaints involving alleged breaches of Squash Canada or a Member's policies that do not fall within Sections 13 or 14 above must be Reported in writing by an Individual (or Individuals) to Squash Canada's identified Independent Third Party within fourteen (14) days of the occurrence of the incident.<sup>2</sup> For the avoidance of doubt, this includes Reported complaints referred back to the Independent Third Party by the OSIC following a determination by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in this Section 16.
17. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to 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 Squash Canada or a Member, as applicable, take carriage of the complaint and act as the Complainant pursuant to Section 25 below.<sup>3</sup>
18. If the Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.

### **Independent Third Party Responsibilities**

19. Upon receipt of a Reported complaint from an Individual (or Individuals) or the OSIC, the Independent Third Party shall:
  - determine whether the complaint falls within the jurisdiction of this Policy;
  - if it can be accepted pursuant to Section 16 above; and
  - whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.<sup>4</sup>

If the Reported complaint is not accepted by the Independent Third Party for any of the aforementioned reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is accepted by the Independent Third Party, the Independent Third Party shall proceed to make the determinations indicated in Sections 21-24 below and notify the Parties accordingly that the Reported complaint has been accepted.

20. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect or Maltreatment of a Minor that is not reported to the OSIC pursuant to Sections 13-15, they shall Report this to local child welfare services, the applicable provincial or territorial

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<sup>2</sup> This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within fourteen (14) days of the occurrence of the incident.

<sup>3</sup> In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

<sup>4</sup> 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.



social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the aforementioned obligation if the Individual making the complaint or filing the Report confirms in writing that they have already Reported to any such authorities.

21. If a Reported complaint has been accepted by the Independent Third Party pursuant to Section 19 above, the Independent Third Party shall determine whether the Reported incident has occurred within the Member or Squash Canada's business, activities or Events as described in Section 4 above. If the incident has occurred outside of the business, activities or Events of these organizations, the Independent Third Party will determine which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident as described in Section 5 above, or if the breach has had a serious and detrimental impact on the Individual(s), as described in Section 6 above.
22. The Independent Third Party shall direct a Reported complaint to be managed by a Member<sup>5</sup> or Squash Canada (as applicable pursuant to Section 21 above) if the Complainant alleges that any of the following incidents have occurred:
  - i. Disrespectful conduct or behaviour
  - ii. 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 fall under Section 23 below
  - iii. Conduct contrary to the values of Squash Canada or the Member
  - iv. Non-compliance with Squash Canada or the Member's policies, procedures, rules, or regulations
  - v. Minor violations of the *Code of Conduct and Ethics, Athlete Protection Policy* (or any other relevant and applicable Squash Canada or Member policy)
23. Subject to Section 15, the Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by the relevant Member or Squash Canada (as applicable pursuant to Section 21 above, but subject to Sections 13-15) if the Complainant alleges that any of the following incidents have occurred:
  - i. Repeated incidents pursuant to Section 22
  - ii. Abusive, racist, or sexist comments, conduct or behaviour
  - iii. Any incident of hazing
  - iv. Behaviour that constitutes abuse, Maltreatment, Prohibited Behaviour, Workplace Harassment or Harassment, or Workplace Violence
  - v. Major incidents of physical violence (e.g., fighting, attacking)
  - vi. Pranks, jokes, or other activities that endanger the safety of others
  - vii. Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
  - viii. Conduct that intentionally damages Squash Canada or the Member's image, credibility, or reputation
  - ix. Consistent disregard for Squash Canada or the Member's bylaws, policies, rules, and regulations
  - vi. Major or repeated violations of the *Code of Conduct and Ethics, Athlete Protection Policy* (or any other relevant and applicable Squash Canada or Member policy)
  - x. Intentionally damaging Squash Canada or the Member's property or improperly handling the organization's monies
  - xi. Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
  - xii. A conviction for any *Criminal Code* offense
24. In exceptional circumstances, the Independent Third Party may direct a Reported complaint to be managed by Squash Canada if the Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity, or where the Member does not have policies in place or jurisdiction to address the Reported complaint. In such circumstances, Squash Canada shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to Squash Canada managing the Reported complaint.
25. Notwithstanding any provision in this Policy, Squash Canada or a Member may, at their discretion, or upon request by the Independent Third Party in accordance with Section 17, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. Squash Canada or the Member (as applicable) will identify an individual to represent the organization, unless Squash Canada or the Member is acting as the Complainant pursuant to Section 17.
26. Where the Independent Third Party refers a matter to be managed by a Member, or where a Member or affiliated organization is otherwise responsible for managing a matter, and the Member fails to conduct disciplinary proceedings within a reasonable timeline, Squash Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Complaints Resolution Officer or discipline panel decides that Squash Canada acted reasonably in taking jurisdiction over the matter, Squash Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member.

#### Investigations

27. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a Reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:
  - Only if the Reported incident falls within Section 23 above;
  - In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy*;
  - Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation (or, where there are several allegations, which allegations) should be heard by a discipline panel pursuant to this Policy because they constitute, if found to

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<sup>5</sup> Squash Canada recognizes that, due to limited human or financial resources, Members may establish pools of Complaint Resolution Officers to handle cases under this Policy.



be true, a likely breach of the *Code of Conduct*, the *Athlete Protection Policy*, or any other relevant and applicable Squash Canada or Member policy, or whether the allegations frivolous, vexatious or made in bad faith;<sup>6</sup> and

- For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

If the Independent Third Party considers that an independent investigation must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to this Policy; however, when an investigation is conducted and where it is necessary in the circumstances, a Provisional Suspension or interim measures may be imposed in accordance with Sections 28-32 below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 44 and below and shall inform the Parties and Squash Canada or the Member (as applicable).

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 19, the matter shall proceed pursuant to Sections 44 and following below.

#### **Provisional Suspensions**

28. 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 Individual by the Chief Executive Officer of Squash Canada (or their designate),<sup>7</sup> or the equivalent position of the relevant Member (where applicable), upon the recommendation of the Independent Third Party (except where there are time constraints), after which further discipline or sanctions may be applied according to this Policy.
29. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or other Event only, or as otherwise determined appropriate by the Designated Individual, the Chief Executive Officer of Squash Canada (or their designate) or the equivalent position of the relevant Member (where applicable).<sup>8</sup>
30. Notwithstanding the above, Squash Canada or the Member (as applicable) 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/or investigation by the OSIC, criminal process, the hearing, or a decision of the discipline panel.
31. 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, Squash Canada or the Member (as applicable) 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.
32. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

#### **Complaint Handled by Complaint Resolution Officer**

33. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer pursuant to Section 22 above, Squash Canada or the Member (as applicable) will appoint a Complaint Resolution Officer. The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation.
34. The Complaint Resolution Officer will ask the Complainant and the Respondent for either written or oral submissions regarding the Reported complaint or incident. Both Parties shall also have the right to submit to the Complaint Resolution Officer 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).
35. Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. If the matter before the Complaint Resolution Officer involves a Complainant who wishes to keep their identity confidential, the Complaint Resolution Officer may redact documents as they consider reasonably necessary to protect the confidentiality of the individual, but only to the extent that any redactions do not compromise the Respondent's procedural fairness rights. In the case of oral submissions, each Party shall have the right to be present when such submissions are made.
36. Following receipt of the Parties' submissions, the Complaint Resolution Officer may convene the Parties to a meeting, either in person or by way of video or teleconference, in order to ask the Parties questions and/or, if permitted by the Complaint Resolution Officer, to allow the Parties to ask questions of one another.
37. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in section 22 above have occurred and, if so, if one or more of the following sanctions should be applied:
  - a) Verbal or written reprimand
  - b) Verbal or written apology

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<sup>6</sup> Please see footnote 4, modified accordingly for the circumstances of an investigation.

<sup>7</sup> The term "designate" includes persons with authority to impose a Provisional Suspension according to the situation.

<sup>8</sup> In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under this Policy.



- c) Service or other contribution to Squash Canada or the Member (as applicable)
- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Suspension from all activities for a designated period of time
- g) Education or training opportunities
- h) Any other sanction considered appropriate for the offense

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 22 above have occurred, they shall dismiss the Reported complaint.

- 38. The Complaint Resolution Officer will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Complaint Resolution Officer may render a short decision, either orally or in writing, followed by a written reasoned decision.
- 39. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of the relevant Member and Squash Canada. Decisions will be kept confidential by the Parties and the organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

#### Request for Reconsideration

- 40. If the Complaint Resolution Officer decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Complaint Resolution Officer by informing them in writing, within five (5) days of receiving the decision, that they are not satisfied with the decision and explaining why.
- 41. If the Complaint Resolution Officer imposes a sanction, the Respondent may request a reconsideration from the Complaint Resolution Officer by informing them in writing, within five (5) days of receiving the decision, that they are not satisfied with the decision. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) All evidence to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate.
- 42. Upon receiving a Request for Reconsideration, the Complaint Resolution Officer shall render a decision within seven (7) days explaining whether they have accepted the Request for Reconsideration and, if so, their new decision.
- 43. The Complaint Resolution Officer's new decision may be appealed in accordance with the *Appeal Policy*; however, no party shall have a right to appeal unless they have exhausted their right to request a reconsideration pursuant to Sections 40 or 41 above.

#### **Handled by Case Manager/Discipline Panel**

- 44. If the Independent Third Party determines that the Reported complaint or incident should be handled by the relevant Member pursuant to Section 23 above, that Member shall appoint a Case Manager to fulfil the responsibilities listed in Sections 46 and following. In such instance, any reference to Case Manager below shall be understood as a reference to the Member's Case Manager.
- 45. If the Independent Third Party determines that the Reported complaint or incident should be handled by Squash Canada pursuant to Section 23 above, Squash Canada shall appoint a Case Manager to fulfil the responsibilities listed in Sections 46 and following.
- 46. Following the Independent Third Party's determination that the Reported complaint or incident should be handled Squash Canada or the relevant Member (as applicable) pursuant to Section 23 above, the appointed Case Manager has a responsibility to:
  - a) Propose the use of the *Alternate Dispute Resolution Policy* (if considered appropriate in the circumstances)
  - b) Appoint the discipline panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of Squash Canada, any Member, or any other sport organization that had authority over the Respondent.
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### **Procedures**

- 47. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
- 48. If appropriate in the circumstances, the Case Manager will propose using the *Alternate Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Alternate Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a discipline panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the discipline panel's members to serve as the Chair.
- 49. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.



50. 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. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- The Case Manager and discipline panel determine procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible, in order to ensure that costs to the Parties and Squash Canada and/or the Member as reasonable
  - The Parties will 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
  - Copies of any written documents which the parties wish to have the discipline panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
  - The discipline panel may request that any other individual participate and give evidence at the hearing
  - If not a Party, Squash Canada 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, Squash Canada 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 panel to render its decision.<sup>9</sup>
  - The discipline panel may exclude any evidence filed by the Parties that 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 any evidence filed by the Parties.
  - Nothing is admissible in a hearing that:
    - would be inadmissible in a court by reason of any privilege under the law of evidence; or
    - if inadmissible by any statute.
  - Where a discipline panel composed of three members is appointed, the decision will be by a majority vote
51. If the Respondent acknowledges the facts of the incident, 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.
52. The hearing may proceed if a Party chooses not to participate in the hearing.
53. 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.
54. In fulfilling its duties, the discipline panel may obtain independent advice.
55. Facts established by a criminal court, by a civil court, or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the disciplinary process, as allowable by applicable law.

#### Decision

56. After hearing and/or reviewing 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 Reported complaint will be dismissed.
57. Within fourteen (14) days of the hearing's conclusion (when held), a written decision, with reasons, will be distributed by the Case Manager to all Parties, to Squash Canada, and to the Member, if applicable. In extraordinary circumstances, a verbal or summary decision may be issued soon after the hearing's conclusion, with the full written decision to be issued within fourteen (14) days of the hearing's conclusion, if held.
58. Subject to Section 59 below, unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Squash Canada or the Member (as applicable) shall publish the outcome of the case on their website. Publication shall be limited to the provision(s) of the relevant policies that have been violated, the name(s) of the Individual(s) involved and the sanction(s) imposed, if any. Additionally, where Squash Canada or a Member acts as the Complainant under Section 17 above, only Squash Canada/the Member, and not the original Complainant, shall be identified as an involved Individual. 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 Squash Canada or one of its Members.
59. If the discipline panel dismisses the Reported complaint, its decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 58 will be kept confidential by the Parties, the Case Manager, Squash Canada, and the Member (if applicable) 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.
60. 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 and must be respected by Squash Canada, all of its Members and any Individuals involved.

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<sup>9</sup> The purpose of this provision is not to provide Squash Canada 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 Squash Canada 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) which, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.



61. The Case Manager shall communicate decisions rendered pursuant to this Policy to the Parties, Squash Canada, the relevant Member(s), and to the Independent Third Party. Decisions shall be considered confidential, unless the discipline panel orders otherwise. Records of all decisions will be maintained by Squash Canada and its Members in accordance with their respective privacy policies.
62. When the discipline panel imposes a sanction, the decision shall include, at a minimum, the following details:
- Jurisdiction;
  - Summary of the facts and relevant evidence;
  - Where applicable, the specific provision(s) of Squash Canada or a Member's policies, Bylaws, rules or regulations that have been breached;
  - Which Party or organization is responsible for the costs of implementing any sanction;
  - Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
  - Any reinstatement conditions that the Respondent must satisfy (if any are ordered);
  - Which organization is responsible for ensuring that the conditions have been satisfied; and,
  - 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

63. When determining the appropriate sanction, the discipline panel will consider the following factors (where applicable):
- The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
  - The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
  - The respective ages of the individuals involved;
  - Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - 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;
  - Real or perceived impact of the incident on the Complainant, organization or the sporting community;
  - Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct*; addiction; disability; illness);
  - Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - Other mitigating or aggravating circumstances.
64. 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.
65. The discipline panel may apply the following disciplinary sanctions, singularly or in combination:
- Verbal or Written Warning** - A verbal reprimand or an official, written notice that an Individual has violated the *Code of Conduct* or other policy and that more severe sanctions will result should the Individual be involved in other violations
  - Education** - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct*, the UCCMS, or other policy
  - Probation** - Should any further violations of the *Code of Conduct*, the UCCMS, or other policy 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
  - Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, competition, or other Event sponsored by, organized by, or under the auspices of Squash Canada and its Members. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
  - Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, competition, or other Event sponsored by, organized by, or under the auspices of Squash Canada and its Members
  - 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
66. The discipline panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- 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
  - 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
  - While a Respondent has pending charges related to 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.
67. An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of Squash Canada and its Members. Such *Criminal Code* offences may include, but are not limited to:
- Any child pornography offences





- b) Any sexual offences
- c) Any offence of physical violence

- 68. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of Squash Canada, any Member, or any other sport organization that had authority over the Respondent.
- 69. Failure to comply with a sanction as determined by the discipline panel will result in an automatic suspension from participation in the activities of Squash Canada and its Members until such time as compliance occurs.
- 70. Records of all decisions will be maintained by Squash and the Member (as applicable). Members will submit all records to Squash Canada. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

**OSIC Sanction**

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

Appeals

- 72. The decision of the Discipline Panel may be appealed in accordance with Squash Canada's or the Member's *Appeal Policy*.

**Confidentiality**

- 73. The discipline and complaints process is confidential and involves only Squash Canada (Chief Executive Officer and relevant staff as determined by the Chief Executive Officer), the Member (if applicable), the Parties, the Independent Third Party, the investigator (if appointed), the Complaint Resolution Officer, the Case Manager, the discipline panel, and any independent advisors to the Discipline Panel.
- 74. None of the Parties (or their representatives or witnesses) or persons or organizations referred to in Section 73 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Squash Canada or a Member is required to notify an organization such as an international federation, Sport Canada, or other sport organization (e.g., 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.
- 75. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party(ies) in breach.

**Timelines**

- 76. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

**Privacy**

- 77. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Squash Canada's *Privacy Policy*.
- 78. Squash Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Complaints Resolution Officer, Case Manager, discipline panel), shall comply with Squash Canada's *Privacy Policy* (or, in the case if a Member, the Member's privacy policy) in the performance of their services under this Policy.



**APPENDIX A – Squash Canada Investigations Policy**  
**Approved by the Squash Canada Board of Directors January 2023**

**Purpose**

1. The purpose of this Policy is to address how investigations will be conducted when necessary and as determined by the Independent Third Party pursuant to the *Discipline and Complaints Policy*.
2. Investigations shall only be conducted when the Independent Third Party considers that there is a need for an independent assessment to determine 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, if found to be true, a likely breach of the *Code of Conduct and Ethics*, the *Athlete Protection Policy*, or any other relevant and applicable Squash Canada or Member policy, or whether the allegation(s) are frivolous, vexatious or made in bad faith.

**Investigation**

3. The Independent Third Party shall appoint the investigator, taking into consideration the financial resources of Squash Canada or the Member (as applicable).
4. The investigator must be an independent third-party with training or investigation experience. The investigator must not be in a conflict of interest situation and should have no connection to either Party.
5. Federal and/or Provincial legislation related to Workplace Harassment or Workplace Violence may apply to the investigation if Harassment/Violence was directed toward a worker in a Workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the Reported complaint.
6. The investigation may take any form as decided by the investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Interviews with the Complainant(s);
  - b) Witness interviews; and
  - c) Interviews with the Respondent(s).

**Investigator's Report**

7. Upon completion of their investigation, the investigator shall prepare a report that includes a summary of evidence from the Parties and any witnesses interviewed. The report shall include an executive summary, which Squash Canada or the Member (as applicable) may share separately from the full report with the Parties.
8. The investigator's report shall contain a non-binding opinion 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 *Athlete Protection Policy*, or any other relevant and applicable Squash Canada or Member policy, or whether the allegation(s) are frivolous, vexatious or made in bad faith.<sup>10</sup> The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
9. Where necessary to protect the identity of any person that participated in the investigation, the investigator may redact names and anonymize any witness testimony that may result in the identification of the individual.
10. The investigator's report will be provided to the Independent Third Party who will disclose it to Squash Canada or the Member (as applicable). Squash Canada or the Member (as applicable) may disclose, at its discretion, either the full report or only the executive summary to the Parties. If necessary, and at the discretion of the Independent Third Party, other relevant Parties may be provided with an executive summary of the investigator's findings. Squash Canada will be provided with a copy of the investigator's full report if the investigation has been conducted under the authority of the Member; however, Squash Canada shall not disclose the report to any third party without the Member's express written consent.
11. The investigator's report shall be used for the purposes described in this Policy and in Section 27 of the *Discipline and Complaints Policy*.
12. The investigation report and any executive summary shall remain confidential once disclosed to Squash Canada, the Member, the Complainant and Respondent, or any other relevant party. Any failure to respect this provision may be subject to a complaint and disciplinary measures being taken pursuant to the *Discipline and Complaints Policy*.
13. Should the investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the investigator shall advise the Complainant, Squash Canada, or the Member to refer the matter to police.
14. The investigator must also inform Squash Canada and the Member of any findings of criminal activity. Squash Canada and the Member may decide whether to report such findings to police but are required to inform the police if there are findings related to the trafficking of Prohibited Substances or Prohibited Methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, any suspected abuse of a Minor, fraud against Squash Canada or any Member(s) (as applicable), or other offences where the lack of reporting would bring Squash Canada or the Member (as applicable) into disrepute.

**Reprisal and Retaliation**

15. An Individual who Reports 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 and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

**False Allegations**

16. An Individual who submits allegations that the investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Prohibited Behaviour) may be subject to a complaint under the terms of the *Discipline and Complaints Policy*. The investigator may recommend to Squash Canada or the Member (as applicable) that the Individual be required to pay for the costs of any investigation that comes to this conclusion. Any Individual 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 Squash Canada or Member business, activities, or other Events. Squash Canada or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 16.

**Confidentiality**

17. The investigator will protect confidentiality to the extent possible and shall only share information on a need-to-know basis. However, the investigator may need to share information in order to ensure that natural justice has been served.

**Privacy**

18. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Squash Canada's *Privacy Policy*.
19. Squash Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, the investigator), shall comply with Squash Canada's *Privacy Policy* (or, in the case if a Member, the Member's privacy policy) in the performance of their services under this Policy.

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<sup>10</sup> 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 investigator 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.