



## Complaint and Disciplinary Policy

### 1. DEFINITIONS:

ABAM:	The brand and operating name of the officially registered and incorporated organization, known as the Archers and Bowhunters of Manitoba.
Case Manager	An individual appointed by ABAM, including but not limited to, any ABAM Staff, Committee Member, Volunteer or Director; or any independent third party, to oversee this Complaint and Disciplinary Policy. The Case Manager will be responsible for, but not limited to: (i) the overall responsibility to ensure procedural fairness and the applicable timelines are respected; and (ii) the decision-making authority described in this Policy.
Code:	Means the Code of Conduct unless otherwise specified.
Complainant	The Party and/or Member alleging an infraction, the person who makes an official complaint.
Conduct:	The manner in which a person behaves, especially on a particular occasion or in a particular context.
Days:	In the context of the time, refers to total calendar days, irrespective of weekends or holidays.
Event:	Means any competition, training camp, program or archery related activity
Individuals	Members engaged in activities with ABAM including, but not limited to, athletes, coaches, judges, officials, volunteers, managers, administrators, committee members, and directors and officers of ABAM.

Member:	The individual who has joined ABAM by way of payment of membership dues to ABAM.
Neutral Individual	An example of neutral individual is a person who does not take sides in a dispute or disagreement. Someone who is not biased, and does not express an opinion or take actions that support either party.
Officials:	An individual who closely watches an archery competition and official practices to ensure that the Canadian and World Archery rules and the safety regulations governing the sport of archery are adhered to; and to arbitrate on matters arising from the field of play and official practice venue (if different from the field of play). Officials ensure that the archery competition is conducted fairly and in accordance with the established rules.
Parties:	The Complainant, Respondent, and any other Individuals or persons or organizations affected by the complaint, dispute or appeal.
Policy:	Means the Complaint and Disciplinary Policy as set out below in this document.
Members:	Those individuals who participate in the activities of ABAM. Members include athletes, coaches, officials, administrators, volunteers, directors, officers, committee members and individuals recognized previously by the Corporation as Honorary and Life Members. The term Member is also taken to mean archery clubs that are affiliated with the Corporation.
Respondent:	Refers to the individual or body which is the subject of a complaint or incident (e.g., alleged offender).
Sanctions:	Penalties or sanctions identified within this policy that are applied to ABAM Members who do not meet the standard of behaviour contained within the codes and policies of ABAM, including but not limited to the Code of Conduct Policy and Social Media Policy.
Sport Environment	Any place where ABAM business or activities are conducted. Sport Environment includes but is not limited to: ABAM competitions, tournaments, practices, tryouts, training camps, travel associated with ABAM, the ABAM office environment and any meetings.

## **2. OBJECTIVE OF THE COMPLAINT AND DISCIPLINARY POLICY**

- 2.1 Members are expected to conduct themselves at all times in a manner consistent with the values of ABAM that include fairness, integrity, open communication and mutual respect. Irresponsible behaviour by Members can do severe damage to the sport of archery and to the support that all levels of archers have worked so hard to achieve. Conduct that violates these values may be subject to sanctions pursuant to ABAM's Complaint and Disciplinary Policy.
- 2.2 Conduct that violates the ABAM Code of Conduct may be subject to sanctions pursuant to ABAM's Complaint and Disciplinary Policy. Since discipline may be applied, ABAM provides individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

## **3. APPLICATIONS OF THE COMPLAINT AND DISCIPLINARY POLICY**

- 3.1 This Policy applies to All Members of ABAM.
- 3.2 This Policy applies to discipline matters that may arise during the course of all ABAM business, the sport environment (see the definition section of this Policy), activities and events, including but not limited to, sanctioned tournaments, training camps, meetings and travel associated with these activities.
- 3.3 The ABAM Complaint and Discipline Policy shall govern all disciplinary matters associated with the Code of Conduct and an individual who violates the Code may be subject to sanctions pursuant to this Policy.
- 3.4 Notwithstanding, the Policy does not apply to criminal acts as prescribed by the Criminal Code of Canada:
  - a. offences, whenever occurred;
  - b. Any offences involving child pornography;
  - c. Any sexual offences;
  - d. Any offence of assault;
  - e. Any offence of physical or psychological violence.

## **4. PROVISIONS**

- 4.1 Presiding

- 4.1.1 The Executive Director or appointed Case Manager shall preside over disciplinary procedures.
- 4.1.2 Should the proceedings implicate the Executive Director, the Secretary shall act instead.
- 4.2 Reporting
  - 4.2.1 Any person who witnesses or is advised of conduct by a Member which they view to be in breach of the ABAM Code of Conduct, or other ABAM codes, policies, rules or regulations may report the incident to ABAM by completing an Incident Complaint Form (See Appendix C).
  - 4.2.2 Anonymous complaints may be accepted for investigation at the sole discretion of ABAM.
- 4.3 Submission of Incident Complaint Form
  - 4.3.1 The Incident Complaint Form (Appendix C) must be delivered to the Executive Director or the Secretary of ABAM within fourteen (14) days of witnessing or becoming aware of the incident. NOTE: The one exception to this is a harassment complaint; see clause 4.3.4.
  - 4.3.2 A Complainant wishing to file a complaint outside of the 14 day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Executive Director or appointed Case Manager. This decision may not be appealed.
  - 4.3.3 All written correspondence shall be directed through the ABAM office. Written correspondence may be sent by: email, regular mail, registered mail, courier, hand-delivery, fax or other delivery methods. In all cases, the party sending the material must confirm that it has been received by the ABAM office.
  - 4.3.4 A harassment complaint does not need to be filed within any specific time after the incident took place and should follow the complaint procedures set out in ABAM's Harassment Policy.

## **5. SCREENING A COMPLAINT**

- 5.1 As soon as possible on receipt of a complaint, the Executive Director shall inform the President and the Secretary of ABAM about the complaint, with the summary.
- 5.2 Investigation

- 5.2.1 Depending on the nature of the complaint in the Incident Complaint Form, the Executive Director or appointed Case Manager may appoint an independent individual to conduct an investigation in order to confirm the background and context of the complaint and to ascertain the facts. If an investigation is ordered, the Investigator shall immediately upon appointment carry out the task in a timely manner.
- 5.2.2 The Executive Director or appointed Case Manager shall within seven (7) days, but no later than the day an Investigator is appointed:
- a. send a summary of the complaint to those,
    - i. named in the complaint (*the Respondent*),
    - ii. making the complaint (*the Complainant*),
    - iii. the ABAM Board of Directors, AND
  - b. make a request to the Respondent that they respond in writing to the allegations by a date set by the Investigator.
- 5.2.3 The Investigator shall:
- a. Review the complaint or incident.
  - b. Make such inquiries of the Complainant, Respondent and witnesses as necessary to determine the circumstances of the complaint or incident, which may include:
    - i. communicating with or interviewing witnesses or persons involved in the incident or whose conduct is subject of the complaint; and
    - ii. communicating with or interviewing other persons who may have relevant information.
- 5.2.4 On completion of the investigation, and not later than 14 days after their appointment, the Investigator shall make a written report to the Executive Director or appointed Case Manager recommending:
- a. That, where practical to do so, the parties be encouraged to resolve the dispute directly; or
  - b. That, with agreement of the parties, arrangements be made to attempt to settle the dispute using a means of alternative dispute resolution (*See the Dispute Resolution Policy*); or
  - c. That the Executive Director or appointed Case Manager appoint a Disciplinary Panel to hear and resolve the dispute or to hear the allegations as the case may be; or
  - d. Recommend that the Executive Director or appointed Case Manager dismiss the complaint because it is frivolous or vexatious (regardless of whether the complaint is within or outside the jurisdiction of this Policy), or

- e. That no further action be taken with respect to the matter investigated because:
  - i. The matter has been resolved between the parties,
  - ii. No further action is warranted based on the facts of the case.

5.2.1 The allegations set out in a written report may relate to any matter disclosed during the investigation.

## **6. DISCIPLINARY PROCEDURES**

### **6.1 Case Manager**

6.1.1 The Executive Director will act as, or appoint, a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner.

6.1.2 Within 7 days of receiving the Investigator's Report, the Executive Director or Case Manager, shall determine whether the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction.

6.1.3 Additionally, the Case Manager has a responsibility to:

- a. Determine, based on the Incident Complaint Form (Appendix C) and information and recommendations from the Investigator's Report, whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Executive Director or Case Manager determines the complaint is frivolous or vexatious, or outside the jurisdiction of this Policy, the complaint will be dismissed immediately;
- b. Appoint the Panel, if necessary, in accordance with this Policy;
- c. Coordinate all administrative aspects of the complaint;
- d. Provide administrative assistance and logistical support to the Panel as required; and
- e. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

6.1.4 If the incident is deemed a potential minor infraction, then procedures starting at clauses 6.2 should be followed. If the incident is deemed a potential major infraction, or in the event the classification of the incident is disputed in any way, then the process carries on to the investigation stage as described in clauses 6.4 through 6.10.

### **6.2 Minor Infractions**

- 6.2.1 All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to, a Board member, committee chair, coach, team manager or head of a delegation and the individual involved.
  - 6.2.2 Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined using the examples presented in Appendix A.
  - 6.2.3 As part of the informal procedures for dealing with minor infractions, the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
  - 6.2.4 The informal procedures should be based on the principles of alternative dispute resolution. Preferably through negotiation whereby the parties come together to discuss the issue/complaint and reach a mutually agreed upon solution that best meets everyone's needs and interests, alternatively, through mediation, whereby an unbiased and impartial person works with the parties through the negotiations. *(For more information, see the Dispute Resolution Policy)*
  - 6.2.5 Sanctions shall be imposed as appropriate to the level of the infraction.
  - 6.2.6 Minor infractions that result in disciplinary sanctions, as well as decisions of any appeals, shall be recorded and maintained by ABAM. A written Incident Report Form, including the infraction and associated disciplinary sanction, shall be presented to the Respondent party.
  - 6.2.7 The Respondent party must be notified in writing of any disciplinary sanctions resulting from a minor infraction(s) that are being recorded and which may result in similar incidents being considered repeat offenses. (Appendix B)
  - 6.2.8 Repeat minor infractions may result in further such incidents being considered a major infraction.
- 6.3 Sanctions for Minor Infractions

The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:

- a. verbal reprimand;
- b. written reprimand to be placed in individual's file;
- c. verbal apology;
- d. hand-delivered written apology;

- e. written apology posted on social media;
- f. written apology sent via email and copied to the Executive Director, President, Vice President of Finance & Administration, and other relevant parties;
- g. team service or other voluntary contribution to ABAM;
- h. removal of certain privileges of membership for a designated period of time;
- i. fines;
- j. suspension from the current competition; and
- k. other sanctions as may be negotiated and/or considered appropriate for the offense.

#### 6.4 Major Infractions

- 6.4.1 If the incident is to be dealt with as a major infraction (see Appendix A) and a hearing is required, the offender shall be notified as quickly as possible, and in any event no later than 7 working days from date of receipt of the Investigator's report, and shall be advised of the procedures outlined in this policy.
- 6.4.2 If the Executive Director, in consultation with the Secretary or designates, is satisfied that this process applies, then within (ten) 10 days of having received the Incident Report or within 10 days of having received the written report of the Investigator (if an investigation was carried out), the Executive Director shall direct the Case Manager to establish a Disciplinary Panel (the "Panel").

#### 6.5 Composition of the Disciplinary Panel

- 6.5.1 The Panel shall:
  - a. Be made up of:
    - i. One (1) panel representative from the ABAM Executive committee (to be picked on a rotational basis),
    - ii. One (1) Panel representative shall be selected by the alleged offender from their peer group, and is mutually agreed upon between the parties, and
    - iii. One (1) neutral individual as mutually agreed upon between the parties. If a proposed neutral individual is not acceptable to either of the parties, the party opposed shall be required to provide rationale for the exclusion of the proposed neutral individual. The rationale provided shall be directly and specifically relevant to the appeal at hand, (i.e., bias, involvement in the issue as a party, witness, etc.).

- b. Consist of individuals who have no personal or professional involvement in the matter under review;
- c. Where possible, have a Panel composition that respects the language of the parties involved; and
- d. The Panel shall independently select from among themselves a Chair.

## 6.6 Preliminary Conference

6.6.1 The Panel may determine that the circumstances of the complaint warrant a preliminary conference, to be attended only by the Panel. In most cases, the preliminary conference shall be conducted by telephone. The issues that may be considered at a preliminary conference include:

- a. the format of the hearing, as the hearing may proceed by either a review of documentary evidence, an in-person hearing, an oral hearing by telephone or a combination of these methods. The Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;
- b. the date and (if in-person) location of the hearing;
- c. the timelines for the exchange of documents and the extent of disclosure required;
- d. the clarification of issues in dispute;
- e. the clarification of evidence to be presented to the Panel;
- f. the order and procedure of the hearing;
- g. the identification of witnesses; and
- h. any other procedural matter which may assist in expediting the hearing.

6.6.2 The Panel may delegate to its Chairperson the authority to deal with any or all of these preliminary matters.

## 6.7 Hearing

6.7.1 The Case Manager, in consultation with the Panel Chair, will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.

- 6.7.2 The hearing will be governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that:
- a. The Parties will be given appropriate notice of the day, time, and place of the hearing;
  - b. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
  - c. The Parties may be accompanied by any one (1) of; **a** representative, or **an** advisor, or **a** legal counsel at their own expense.
  - d. The Panel may request that any other individual participate and give evidence at the hearing;
  - e. The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate.
- 6.7.3 The Panel shall conduct a fair hearing of the charge or dispute as reported in the Incident Complaint Report and in addition use the Investigator's report as supplementary information (if an investigation was carried out).
- 6.7.4 If the individual being disciplined chooses not to participate in the hearing, the hearing shall proceed in any event.
- 6.7.5 The hearing shall be held no later than 14 days from the date of the Panel's appointment.
- 6.7.6 The hearing will be governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that:
- a. the respondent shall be given 14 days written notice (by courier or fax, or via email if acknowledged as acceptable by the Respondent) of the day, time and place of the hearing;
  - b. the Respondent shall receive a copy of the Incident Complaint Report and if available a copy of the Investigation Report at the time of notification;
  - c. a quorum shall be all three (3) Panel members;
  - d. decisions shall be by a majority vote; the Chair carries a vote;
  - e. the hearing shall be held in private;
  - f. the Panel may request that witnesses to the incident be present or submit written evidence;
  - g. once appointed, the Panel shall have the authority to abridge or extend time lines associated with all aspects of the hearing when it is reasonably required.

6.7.7 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 (e.g., selection), that party will become a Party to the complaint in question and will be bound by the decision.

6.7.8 In fulfilling its duties, the Panel may obtain independent advice.

## 6.8 Decision

6.8.1 After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within 14 days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and ABAM via the Executive Director and/or Vice President of Finance & Administration.

6.8.2 In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the 14 day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

## 6.9 Sanctions for Major Infractions

The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a. Verbal or written reprimand from ABAM to one of the Parties;
- b. Verbal or written apology from one Party to the other Party;
- c. Service or other voluntary contribution to ABAM;
- d. Being sent home following suspension from the current competition;
- e. Payment of financial compensation in an amount to be determined by the Disciplinary Panel;
- f. Suspension of funding from: ABAM;
- g. Suspension from certain ABAM activities (i.e., competing, coaching or officiating) for a designated period of time;
- h. Suspension from all ABAM activities for a designated period of time;
- i. Suspension from the competitions, activities, or events;
- j. Expulsion or dismissal from ABAM;
- k. Payment of the cost of repairs for property damage; and
- l. Any other sanction considered appropriate for the offense.

6.9.1 Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately.

6.9.2 Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs. Failure to comply will be considered a breach in ABAM's Code of Conduct and will be referred back to the original Disciplinary Panel to be dealt in the manner as provided for in this policy.

6.9.3 Major infractions that result in discipline will be recorded and records will be maintained by ABAM.

6.9.4 In applying sanctions, the Disciplinary Panel may have regard to the following aggravating or mitigating circumstances:

- a. the nature and severity of the offense;
- b. whether the incident is a first offense or has occurred repeatedly;
- c. the time elapsed since a previous offence and if it was part of an ongoing pattern;
- d. the individual's acknowledgment of responsibility,
- e. whether the individual has made or has committed to making restitution and changes (where appropriate);
- f. the individual's extent of remorse;
- g. the individual's prospects for rehabilitation;
- h. whether harm was caused to anyone, (e.g., the impact on the victim);
- i. whether the individual was provoked (or other similar mitigating factors);
- j. whether the image, brand or reputation of ABAM was negatively affected; and
- k. whether the individual retaliated against the Complainant.

6.9.5 The Case Manager will determine if the complaint was brought forward in a vexatious manner, and if so this is considered a major infraction and the individual bringing the complaint forward will be subject to sanctions. The Case Manager will strike a disciplinary panel to apply sanctions as outlined in Section 6.9.

6.9.6 Suspension Pending a Hearing

ABAM may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending a hearing or a decision of the Panel or the completion of any criminal investigation or the completion of the criminal process.

6.9.7 Criminal Convictions

An Individual's conviction for any of the following *Criminal Code* offenses will be immediately deemed a major infraction under this Policy and will result in dismissal from ABAM upon the sole discretion of ABAM:

- a. Any child pornography offences;
- b. Any sexual offences;
- c. Any offence of physical or psychological violence;
- d. Any offence of assault; and
- e. Any offence involving trafficking of illegal drugs; and
- f. Any offences related to harassment as indicated in the Harassment Policy.

#### 6.9.8 Confidentiality

The discipline and complaints process is confidential and involves only the Parties, the Executive Director, the Board of Directors, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings. This includes no contact with the media, or postings on social media.

#### 6.9.9 Timelines

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 Panel may direct that these timelines be revised.

#### 6.10 Records and Distribution of Decisions

6.10.1 Minor infractions that result in disciplinary sanctions, as well as decisions of any appeals, shall be recorded and maintained by ABAM. A written Record of Incident Report, including the infraction and associated disciplinary sanction, shall be presented to the Respondent party.

6.10.2 Major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by ABAM. A written Record of Incident Report, including the infraction and associated disciplinary sanction, shall be presented to the Respondent party.

6.10.3 Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

#### 6.11 Administrative & Procedural Recommendations

6.11.1 After each hearing, the Panel should provide any administrative and procedural recommendations it deems necessary to ABAM.

6.11.2 Recommendations made by the Disciplinary Panel to ABAM shall be acknowledged by the Executive Director to the Disciplinary Panel, within 7 days of receipt.

6.11.3 The Executive Director will forward the recommendations to the appropriate body for action. Within (thirty) 30 days of receipt of the recommendations the appropriate body will respond to the Executive Director with its plan and timeline to deal with recommendations. The Executive Director shall communicate this information to the Disciplinary Panel members.

## **7. APPEALS PROCEDURE**

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

## **8. JURISDICTION**

This policy shall be governed and construed in accordance with the laws of the Province of Manitoba.

## **9. REVIEW AND APPROVAL**

The ABAM Board of Directors and Executive Director shall review this policy every four (4) years on the Summer Olympic/Paralympic Games cycle.

Approved: April 30, 2016

Review: 2020

Revision Approved: TBD

## **10. ADDITIONAL RELEVANT POLICIES:**

- ABAM Dispute Resolution Policy
- ABAM Appeals Policy
- ABAM Athlete Agreement
- ABAM Code of Conduct
- ABAM Social Media Policy
- ABAM Harassment Policy

## **APPENDIX A – EXAMPLES OF INFRACTIONS**

### **A.1 Examples of minor infractions:**

1. Non-compliance with the Code of Conduct or Social Media Policy.
2. A single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators (staff and volunteer), other volunteers, spectators and sponsors;
3. Unsporting like conduct such as angry outbursts or arguing;
4. A single incident of being late for or absent (without valid reason) from ABAM events and activities at which attendance is expected or required;
5. Non-compliance with the rules and regulations under which ABAM events are conducted, whether at the local, provincial, national or international level.

### **A.2 Examples of major infractions:**

1. Repeated non-compliance with the Code of Conduct or Social Media Policy.
2. Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators (staff and volunteer), other volunteers, spectators and sponsors;

3. Repeated unsporting like conduct such as angry outbursts or arguing;
4. Repeated incidents of being late for or absent from ABAM events and activities at which attendance is expected or required.
5. Activities or behaviour which interfere with a competition or with any athlete's preparation for a competition;
6. Pranks, jokes, hazing or other activities which endanger the safety of others;
7. Deliberate disregard for the rules and regulations under which ABAM events are conducted, whether at the local, provincial, national or international level;
8. Abusive use of alcohol where abuse means a level of consumption which:
  - i. causes the individual to behave in a disruptive manner;
  - ii. interferes with the individual's ability to perform effectively and safely; or
  - iii. impairs the individual's ability to speak, walk or drive;
9. Any use of alcohol by minors;
10. Use of illicit drugs and narcotics;
11. Use of banned performance enhancing drugs or methods

**Note:** The definition of "repeated" will depend on the severity of the infraction and frequency of offences within a given time.

## APPENDIX B - RECORD OF INCIDENT REPORT

### **ABAM** RECORD OF INCIDENT REPORT

Name of Member: \_\_\_\_\_ Position: \_\_\_\_\_

Location of incident: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

This incident is a: \_\_\_\_\_ minor infraction \_\_\_\_\_ major infraction

This incident is a: \_\_\_\_\_ first occurrence \_\_\_\_\_ repeat occurrence

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary action that was taken (if applicable): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names of Disciplinary Panel Members (if applicable):

Chair: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Disciplinary Timeframe(s) (if applicable): \_\_\_\_\_



ABAM Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Respondent Acknowledgement of Discipline, and Receipt of Record of Incident Report:

Date of Receipt: \_\_\_\_\_

Respondent Acknowledgement by: email  fax  (Please attach copy)

In person  Respondent Signature: \_\_\_\_\_

## APPENDIX C – INCIDENT COMPLAINT FORM

### **ABAM** INCIDENT COMPLAINT FORM

Name of Complainant: \_\_\_\_\_ Position: \_\_\_\_\_

Name of Respondent(s): \_\_\_\_\_ Position: \_\_\_\_\_

Location of incident: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Submitted to: \_\_\_\_\_ Date of Complaint: \_\_\_\_\_

Request for Alternative Dispute Resolution Process: Yes  No

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of the incident (please be concise, accurate, objective and non-judgmental):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names of individuals who observed the incident:

\_\_\_\_\_  
\_\_\_\_\_

Relevant ABAM Codes and/or Policies (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Executive Director  
or Secretary upon receipt : \_\_\_\_\_ Date: \_\_\_\_\_

## Reference Tool – Actions and Timelines

Submission of Incident Complaint Form	The Incident Complaint Form (Appendix C) must be delivered to the Executive Director or the Vice President of Finance & Administration of ABAM within fourteen (14) days of witnessing or becoming aware of the incident.
Depending on the nature of the complaint in the Incident Complaint Form, the Executive Director may appoint an independent individual to conduct an investigation	The Executive Director shall within seven (7) days, but no later than the day an Investigator is appointed send a summary of the complaint and make a request to the respondent that they respond in writing to the allegations by a date set by the Investigator.
Investigation Report Due	On completion of the investigation, and not later than 14 days after their appointment, the Investigator shall make a written report to the Executive Director
Once Investigation Report Received	Option 1: arrangements be made to attempt to settle the dispute using a means of alternative dispute resolution Option 2: the Executive Director appoint a Disciplinary Panel to hear and resolve the dispute Option 3: Recommend the Executive Director dismiss the complaint because it is frivolous or vexatious
Appoint a Case Manager	The Executive Director will act as, or appoint, a Case Manager to oversee management and administration of complaints if proceeding to Option 2 indicated above.
Determination of addressing as minor/major infraction	Within 7 days of receiving the Investigator's Report, the Case Manager, shall determine whether the incident is better dealt with as a minor infraction
Minor infraction = informal process	The informal procedures should be based on the principles of alternative dispute resolution.
Major Infraction = Hearing Panel	If the incident is to be dealt with as a major infraction the Offender shall be notified as quickly as possible and in any event no later than 7 working days from date of receipt of the Investigator's report, and shall be advised of the procedures outlined in this policy.
Establishment of Panel	Then within (ten) 10 days of having received the Incident Report or within 10 days of having received the written report of the Investigator (if an investigation was carried out), the Executive Director shall direct the Case Manager to establish a Disciplinary Panel (the "Panel").
Preliminary Conference	The Panel may determine that the circumstances of the complaint warrant a preliminary conference
Hearing	The hearing shall be held no later than 14 days from the date of the Panel's appointment. The Respondent shall be given 14 days written notice (by courier or fax, or via email if acknowledged as acceptable by the Respondent) of the day, time and place of the hearing;
Decision	Within 14 days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and ABAM via the Executive Director and/or Vice President of Finance & Administration. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion.
Administrative & Procedural recommendations	Within (thirty) 30 days of receipt of the recommendations the appropriate body will respond to the Executive Director with its plan and timeline to deal with recommendations.