



Title:	Discipline & Complaints Policy	Effective Date:	12-15-2024
Approved By:	Board of Directors	Revision / Replaces:	v2024.1

PURPOSE

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Taekwondo Ontario. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

PRINCIPLES

2. The following principles guide the findings and determinations under this Policy:
 - a. Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
 - b. Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.

APPLICATION OF THIS POLICY

3. This Policy applies to all Participants and Members.
4. This Policy applies to matters that may arise during the business, activities, and Events of Taekwondo Ontario and its Club Members including, but not limited to competitions, practices, evaluations, treatment, or consultations, training camps, travel associated with organizational activities, the office environment, classes, seminars, courses and any meetings.
5. This Policy also applies to Participants' conduct outside of the business, activities, and events of Taekwondo Ontario when such conduct adversely affects the relationships (or the work and sport environment) of Taekwondo Ontario, is detrimental to the image and reputation of Taekwondo Ontario, or upon the acceptance of Taekwondo Ontario. Accordingly, the applicability of this Policy will be determined by Taekwondo Ontario upon its sole discretion.
6. This Policy applies to alleged breaches of the Code of Conduct and Ethics by Participants who have retired from the sport where any claim regarding a potential breach of the Code of Conduct and Ethics occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the Code of Conduct and Ethics that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).

7. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions 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 may be for the duration of the competition, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this Discipline and Complaints Policy, an employee, staff and/or independent contractors of Taekwondo Ontario who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.
9. Taekwondo Ontario may, at its discretion, assume jurisdiction of a complaint that was submitted against a Member Club. In such cases, Taekwondo Ontario's Independent Third-Party will determine whether the complaint process should be re-started or resumed pursuant to the applicable section of this Policy. In these circumstances, Taekwondo Ontario will enter into a cost sharing agreement with the Member Club to manage the complaint.

POLICY – DISCIPLINE & COMPLAINTS

MINORS

10. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Independent Third-Party, Case Manager, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
12. A Minor is not required to attend an oral hearing, if held.

REPORTING A COMPLAINT

13. Any person may report a complaint to the Independent Third-Party using the designated reporting link.
14. At its discretion, Taekwondo Ontario may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Taekwondo Ontario will identify an individual to represent the organization.
15. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Complainant may contact the Independent Third-Party for direction regarding the formal submission of a complaint. The Independent Third-Party may accept any formal complaint, in writing or not, at their sole discretion.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

16. Upon receipt of a complaint, the Independent Third-Party has a responsibility to:
- a. Determine the appropriate jurisdiction to manage the complaint and consider the following:
 - i. Whether the complaint should be handled by the Member Club or by Taekwondo Ontario. In making this decision, the Independent Third-Party will consider:
 1. whether the incident has occurred within the business, activities or events of the Member Club or Taekwondo Ontario. If the incident has occurred outside of the business, activities or events of either or both of these organizations, the Independent Third Party will determine which organization's relationships are adversely affected or which organization's affairs are most impacted; and
 2. if the Member Club is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity
 3. If the Independent Third-Party determines that the complaint or incident should be handled by the appropriate Member Club, that Member Club may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third-Party to fulfil the responsibilities listed below. In such instance where this Policy is adopted by a Member Club, any reference to 'Independent Third-Party' below shall be understood to be a reference to the Member Club's Independent Third-Party and any reference to 'Taekwondo Ontario' shall be understood to be a reference to the PSO
 - ii. Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Independent Third-Party's decision to dismiss the complaint may not be appealed;
 - iii. Propose the use of alternative dispute resolution techniques;
 - iv. Determine if the alleged incident should be investigated pursuant to Appendix A – Investigation Procedure; AND/OR
 - v. Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

17. There are two different processes that may be used to hear and adjudicate complaints. The Independent Third-Party will decide which process should be followed based on the nature of the complaint.

a. Process #1 - the Complainant alleges the following incidents:

- i. Disrespectful conduct or comments
- ii. Minor incidents of physical violence (e.g., tripping, pushing, elbowing)
- iii. Conduct contrary to the values of Taekwondo Ontario
- iv. Non-compliance with the organization's policies, procedures, rules, or regulations
- v. Minor violations of the Code of Conduct and Ethics

b. Process #2 - the Complainant alleges the following incidents:

- i. Repeated minor incidents listed under Process #1
- ii. Hazing
- iii. Abusive, racist, or sexist comments or behavior
- iv. Behavior that constitutes harassment, sexual harassment, or sexual misconduct
- v. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- 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 the organization's image, credibility, or reputation
- ix. Consistent disregard for the policies, rules, and regulations
- x. Major or repeated violations of the Code of Conduct and Ethics
- xi. Intentionally damaging the organization's property or improperly handling the organization's monies
- xii. Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- xiii. A conviction for any Criminal Code offense
- xiv. Any possession or use of banned performance enhancing drugs or methods

PROCESS #1: HANDLED BY INTERNAL DISCIPLINE CHAIR

18. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third-Party will appoint an Internal Discipline Chair who may:
 - a. Recommend mediation;
 - b. Make a decision;
 - c. Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; OR
 - d. Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
19. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: Sanctions).
20. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately.
21. Records of all sanctions will be maintained by Taekwondo Ontario.
22. Decisions may be appealed in accordance with the Appeals Policy.
23. The Discipline Chair may solicit independent advice at their discretion.

PROCESS #2: HANDLED BY CASE MANAGER AND EXTERNAL DISCIPLINE PANEL CASE MANAGER

24. Following the determination that the complaint or incident should be handled under Process #2, the Independent Third-Party will appoint a Case Manager (who may or may not be the Independent Third-Party themselves) who has a responsibility to:
 - a. Propose the use of alternative dispute resolution techniques
 - b. Appoint the External Discipline Panel, if necessary
 - c. Coordinate all administrative aspects of the process and set reasonable timelines
 - d. Provide administrative assistance and logistical support to the External Discipline Panel as required
 - e. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
25. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
26. The Case Manager may propose using alternative dispute resolution methods, such as mediation or negotiated settlement.

27. If the dispute is not resolved using alternative methods, the Case Manager will appoint an External Discipline Panel of one (1) person to hear the complaint. Depending on the severity of the allegations and at the Case Manager's discretion, an External Discipline Panel of three (3) people may be appointed. When a three-person External Discipline Panel is appointed, the Case Manager will appoint one of the External Discipline Panel's members to serve as the Chair.
28. The Case Manager, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. 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.
29. The hearing will be governed by the procedures that the Case Manager and the External Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
 - a. The Parties will be given appropriate notice of the day, time, and place of the hearing
 - b. Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
 - c. The Parties may engage a representative, advisor, or legal counsel at their own expense
 - d. The External Discipline Panel may request that any other individual participate and give evidence at the hearing
 - e. The External Discipline 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
 - f. The decision will be by a majority vote of the External Discipline Panel, when the Panel consists of three people
30. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
31. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
32. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

Decision

33. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, to Taekwondo Ontario. In extraordinary circumstances, the External Discipline 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 fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the External Discipline Panel.

SANCTIONS

34. Prior to determining sanctions, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- a. The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b. The Respondent's prior history and any pattern of inappropriate behavior or Maltreatment;
 - c. The ages of the individuals involved;
 - d. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e. The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of Taekwondo Ontario;
 - f. Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g. Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Code of Conduct and Ethics; addiction; disability; illness);
 - h. Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; AND/OR
 - j. Other mitigating and aggravating circumstances.
35. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Maltreatment or other prohibited behavior may justify elevated or combined sanctions.

36. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a. Verbal or Written Warning - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the Code of Conduct and Ethics and that more severe sanctions will result should the Participant be involved in other violations
- b. Education - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the Code of Conduct and Ethics
- c. Probation - Should any further violations of the Code of Conduct and Ethics occur during the probationary period, will result in additional disciplinary measures, likely including 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 of time
- d. Suspension - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Taekwondo Ontario. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
- e. Eligibility Restrictions - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f. Permanent Ineligibility - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Taekwondo Ontario and/or any sport organization subject to the UCCMS
- g. Other Discretionary Sanctions - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

37. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a. Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
- b. Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c. While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

38. A Participant's conviction for a Criminal Code offense shall carry a presumptive sanction of permanent ineligibility from participating with Taekwondo Ontario. Criminal Code offences may include, but are not limited to:
- a. Any child pornography offences
 - b. Any sexual offences
 - c. Any offence of physical violence
 - d. Any offence of assault
 - e. Any offence involving trafficking of illegal drugs
39. Unless the External Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.
40. Records of all decisions will be maintained by Taekwondo Ontario.

APPEALS

41. The decision of the Internal or External Discipline Panel may be appealed in accordance with the Appeal Policy.

SUSPENSION PENDING HEARING

42. Taekwondo Ontario may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the External Discipline Panel.

CONFIDENTIALITY

43. The discipline and complaints process is confidential and involves only Taekwondo Ontario, the Independent Third-Party, the Case Manager, the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External Discipline 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.
44. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

TIMELINES

45. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Independent Third-Party or Case Manager (as applicable) may direct that these timelines be revised.

RECORDS AND DISTRIBUTION OF DECISIONS

46. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
47. Taekwondo Ontario recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

APPENDIX A

INVESTIGATION PROCEDURE

DETERMINATION

1. When a complaint is submitted pursuant to the Discipline and Complaints Policy, the Independent Third-Party will determine if the incident should be investigated.

INVESTIGATION

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward 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 complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a. Interviews with the Complainant
 - b. Witness interviews
 - c. Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
 - d. Interviews with the Respondent
 - e. Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant Investigator's Report
5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the Code of Conduct and Ethics occurred.
6. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.

7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Taekwondo Ontario and the relevant Member.
8. 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 and Taekwondo Ontario to refer the matter to police.
9. The Investigator must also inform Taekwondo Ontario of any findings of criminal activity. Taekwondo Ontario may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Taekwondo Ontario, or other offences where the lack of reporting would bring Taekwondo Ontario into disrepute.

REPRISAL AND RETALIATION

10. A Participant who submits a complaint to Taekwondo Ontario or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the Discipline and Complaints Policy.

FALSE ALLEGATIONS

11. A Participant 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 Maltreatment) may be subject to a complaint under the terms of the Discipline and Complaints Policy and may be required to pay for the costs of any investigation that comes to this conclusion. Taekwondo Ontario or the Participant against whom the allegations were submitted, may act as the Complainant.

CONFIDENTIALITY

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, Taekwondo Ontario recognizes that maintaining full anonymity during an investigation may not be feasible.

APPENDIX B

INDEPENDENT THIRD PARTY

1. The independent Third-Party will guide you through the complaints process and/or explore other options as appropriate. They are a qualified and experienced independent resource and investigator who is familiar with Taekwondo Ontario's policies and procedures, workplace harassment, and human rights and employment legislation.
2. Participants submit complaints by connecting with the Independent Third Party.
3. Please do not submit any formal complaints to Taekwondo Ontario staff or volunteers. Your contact with the Independent Third Party. is confidential, subject to certain legal limits.
4. The Independent Third Party's mandate includes, but is not limited to:
 - a. Except with prior consent of the complainant, maintaining confidentiality regarding the identity of the complainant(s) and the specific details of the complaint, unless otherwise required by law.
 - b. Responding to emails and phone calls received by parties about abuse, harassment, bullying, and discrimination.
 - c. Following up with complainant(s) as appropriate in order to learn more about the situation. The Independent Third Party. will make efforts to respond to all complaints within 24 hours after being advised of the situation.
 - d. Conducting a preliminary review and assessing the situation against applicable policies, legal frameworks, and best practices. The results of such a preliminary review are highly variable but may include:
 - i. Referring the complainant to police or child protection authorities.
 - ii. Referring the complainant to the club or the Provincial/Territorial Section.
 - iii. Referring the complainant to other procedures, recourses or appeals.
 - iv. Suggesting other counselling or support to the complainant.
 - v. Assisting the complainant to deal with the situation directly.
 - vi. Supporting the complainant to come forward with a formal complaint.
 - vii. Exploring informal resolution or other alternative dispute mechanisms.
 - viii. Assessing whether the complaint should be handled by Process #1 of the Discipline and Complaints Policy (for minor matters that can be handled internally) or by Process #2 (for major matters that require an external decision-making Panel)



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- ix. Informing Taekwondo Ontario that the complaint must be investigated (for major matters)
- x. Assisting Taekwondo Ontario to obtain appropriate external investigation support
- xi. Liaising with the assigned investigator as appropriate.
- xii. Appointing (or acting as) the Case Manager (for major matters)
- xiii. Other solutions as deemed necessary