

SECTION II: COMPLIANCE, ETHICS AND MEMBER CONDUCT		
Policy Number and Name: II-05: COMPLAINTS, HEARINGS AND DISCIPLINE POLICY & PROCEDURE	Date of Approval: March 31, 2022	Activation Date: April 1, 2022

1. Definitions

Capitalized terms have the following meanings in this Policy:

- 1.1 **“AGF Activities”** means all events that are sanctioned, sponsored or otherwise supported by AGF, including but not limited to those ordinarily arising in the course of AGF’s business and incident thereto, such as: competitions, practices, training camps, travel associated with AGF activities, and meetings (**“AGF Activities”**). For the purposes of this Policy, **“AGF Activities”** also includes other non-AGF events and circumstances outside of the foregoing, when such conduct adversely affects relationships within AGF (and its work and sport environment) and/or among its Members or is detrimental to the image and reputation of AGF. Such applicability will be determined by AGF, in its sole discretion.
- 1.2 **“AGF Personnel”** means all employees, consultants and contractors to AGF, members of AGF’s board of directors, and any person serving on an AGF committee who is not also a director.
- 1.3 **“AGF Policy”** or **“AGF Policies”** refers to the Bylaws, the ***Code of Conduct***, and any other policy, procedure, rule and regulation of AGF that is in effect from time to time, or any one of them, as the context requires.
- 1.4 **“Bylaws”** means the bylaws of AGF, as the same may be amended from time to time;
- 1.5 **“Case Manager”** means the independent person designated by AGF as the case manager for the purpose of administering this Policy, or any other related AGF Policy, and having such duties and responsibilities as are set forth in the position description for “Case Manager” attached hereto as Schedule “B”.
- 1.6 **“Complainant”** means the Party who has submitted a complaint in accordance with this Policy alleging a violation of an AGF Policy.
- 1.7 **“Frivolous or Vexatious”** means a complaint that has no reasonable or sound basis in fact or law, is without merit, and/or has been brought with the primary intent or harassing, discrediting or subduing a Respondent.
- 1.8 **“GymCan”** means the national sports organization that governs gymnastics in Canada.
- 1.9 **“Independent Third Party”** means an independent individual (or individuals) appointed by AGF to receive and assess complaints (may also be known as a ‘Safe Sport Officer’).
- 1.10 **“Member”** has the meaning set forth in the Bylaws of AGF (which for clarity includes individuals and organizations, as the context requires), and includes but is not limited to registered participants such as coaches, athletes, parents and/or guardians of athletes and officials.

- 1.11 “**Panel**” has the meaning set forth in Section 13.1.
- 1.12 “**Party**” or “**Parties**” means the Complainant and the Respondent or both of them, as the context requires.
- 1.13 “**Respondent**” means the Party alleged to have breached or violated an AGF Policy.
- 1.14 “**Responsible Delegate**” has the meaning set forth in Section 15 of this policy.
- 1.15 “**Vulnerable Individual**” has the meaning set forth in the *Safe Sport Policy*.

2. AGF’s Commitment and Expectations

AGF is committed to supporting its member clubs in providing gymnastics environments and experiences to Members and to participants in AGF Activities in which all are treated with respect, characterized by the values of fairness, integrity, and open communication. Membership in AGF, as well as participation in its activities, brings many benefits and privileges. At the same time, Members are required to fulfill certain responsibilities and obligations including, but not limited to, complying with AGF Policies. Behaviour by Members that does not comply with AGF Policies can result in harm to the integrity and reputation of AGF, and result in harm to Members. Conduct that violates AGF’s Policies may be subject to discipline pursuant to this Policy.

3. Purpose of this Policy

This Policy is intended to outline the policies and procedures of AGF with respect to complaints of breaches of an AGF policy, the circumstances under which such complaints shall be investigated and/or referred to a Panel for hearings and discipline, and the procedures that will be followed by AGF following referral of a complaint, in order to meet the objective of managing all complaints in a manner that is administratively fair, consistent, expeditious, and cost effective, and ensuring that all discipline arising from the application of this Policy is appropriate and proportionate to any breach that is substantiated, and is fairly and consistently applied.

4. Policy Application

This Policy applies to all Members of AGF, all AGF Personnel and to all AGF Activities. Complaints not involving Members, AGF Personnel or arising outside of the scope of AGF Activities, shall be addressed by such entities or organizations responsible for such personnel or activities, which may include member clubs, GymCan or another provincial sport organization, unless the complaint is specifically requested to be considered, and is agreed to be considered, by AGF in its sole discretion, having regard to jurisdictional considerations as set forth in Section 5 hereof.

5. Jurisdiction of AGF

- 5.1 **Generally:** AGF has responsibility over alleged breaches or violations, by Members or by AGF Personnel, of AGF Policies applicable to its Members and AGF Personnel and/or with respect to AGF Activities.
- 5.2 **Limits on AGF's Jurisdiction:** AGF, as a provincial sport organization, works within a multi-jurisdictional sport structure. Each member club, GymCan and each other provincial sport organization having analogous responsibilities over gymnastics activities in their province or territory, has or may have their own policies and procedures that may apply concurrently with, or may take precedence over, AGF Policies. These non-AGF policies and procedures may apply to athletes, coaches, parents, club employees and volunteers, among others. AGF encourages, and may under certain circumstances require, that its member clubs be responsible for the management of complaints occurring within the programs and activities they deliver and involving personnel within their club membership. Member clubs shall, however, advise AGF of any complaints of serious misconduct received by the Member club in order that AGF may maintain appropriate records and provide assistance, support, and/or escalate the complaint, if needed.

6. Reporting a Complaint to AGF

- 6.1 Complaints with respect to breaches or alleged breaches of AGF's Policies are to be submitted to the Independent Third Party. AGF's Independent Third Party is:

W&W Dispute Resolution Services Inc.

safesport_wwdrs@primus.ca

- 6.2 Complaints must be submitted in writing (preferably by using the Complaint Form attached hereto as Schedule "A") by a Complainant with actual knowledge of the events being complained or the individual acting on behalf of a minor. Additional attachments, if any, should be filed at the same time as the complaint. Complaints shall include all relevant detail such as the name of the Respondent(s), details of the incident(s) (including dates, times, and places), reference to the AGF Policies the Complainant alleges have been breached, and names and contact details (if available) of relevant witnesses.
- 6.3 Anonymous complaints are strongly discouraged and may be dismissed by the Independent Third Party. Anonymous complaints will only be accepted by the Independent Third Party in its sole discretion, having regard to the seriousness of the breaches alleged in the complaint and where the complaint discloses sufficient information to reasonably permit the Case Manager to undertake next steps pursuant to this Policy.

7. Acknowledgement

The Independent Third Party shall acknowledge receipt of the complaint to the Complainant within three (3) days of receipt of the complaint.

8. Types of Complaints

- 8.1 **General:** A minor infraction is, generally, a single non-material breach of an AGF Policy, or a single non-material incident of failing to achieve expected standards of conduct, that does not result in significant harm to a person or persons, AGF, or the sport of gymnastics. A major infraction is, generally, any instance of failing to achieve the expected standards of conduct, whether under an AGF Policy or otherwise, that results, or has the potential to result, in significant or material harm to a person or persons, to AGF, or to the sport of gymnastics. Multiple or repeated instances of infractions that would normally be considered to be minor in nature shall be treated as more serious infractions, and any resulting disciplinary action shall reflect the repetitiveness of any violations.
- 8.2 **Examples:** Examples of infractions that may form the basis of a complaint made to AGF can include, but are not limited to, the following examples, which in each case are to be considered to be more serious if the conduct involves or is directed at a Vulnerable Individual:
- 8.2.1 Non-compliance with AGF Policies, including but not limited to conduct contrary to the **Code of Conduct**;
 - 8.2.2 Disrespectful, offensive or verbally abusive conduct, such as outbursts of anger or argument;
 - 8.2.3 Conduct that interferes with a competition or with any athlete's preparation for a competition;
 - 8.2.4 Any incident of hazing and/or discrimination on any ground protected by law;
 - 8.2.5 Violence;
 - 8.2.6 Incidents of physical abuse;
 - 8.2.7 Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
 - 8.2.8 Pranks, jokes, or other activities that endanger the safety of others;
 - 8.2.9 Intentionally damaging AGF property or improperly handling AGF monies and/or property;
 - 8.2.10 At any AGF Activity: (i) the abusive use of alcohol, cannabis or other mood-altering substances; (ii) any use, misuse or possession of alcohol, cannabis or other mood-altering substance by minors; or (iii) any use or possession of illicit drugs and narcotics including but not limited to possession or use of banned performance enhancing drugs or methods;
 - 8.2.11 Members that are past the age of majority engaging or behaving with athletes in an unsafe manner, including but not limited to while under the influence of alcohol or any other mood-altering substances;
 - 8.2.12 Conduct that intentionally damages the image, credibility, or reputation of AGF, including but not limited to actions, or the involvement of persons in actions taken notwithstanding the presence of a conflict of interest;
 - 8.2.13 False accusations of harassment, abuse, discrimination, violence (or other serious misconduct or maltreatment) that are vexatious, motivated by malice or mischief, and/or meant to cause other harm or which have the effect of retaliation, are considered harassment;

8.2.14 Retaliatory actions against a participant in the complaint resolution process outlined in this Policy.

8.3 **Criminal Charges:** A criminal charge laid against a Member for any of the following criminal offenses, in any jurisdiction, will result in suspension by the Board of Directors from AGF in accordance with the Bylaws, and/or removal from AGF Activities at AGF's sole discretion, pending the outcome of such criminal charges:

8.3.1 Any child pornography offences;

8.3.2 Any sexual offences;

8.3.3 Any offence of physical or psychological violence;

8.3.4 Any offence of assault; or

8.3.5 Any offence involving trafficking of illegal drugs.

A criminal conviction in any jurisdiction for any of the foregoing will result in expulsion from AGF, by the AGF Board of Directors, following the process set forth in the Bylaws.

9. Role of Independent Third Part and Appointment of a Case Manager

The role of the Independent Third Party is to:

- Determine the admissibility of a complaint (jurisdiction, whether it is frivolous, vexatious or filed in bad faith, timeliness, etc.)
- Determine whether an investigation is necessary (per the **Investigations Policy & Procedure**)
- Provide guidance and answer questions regarding the complaint and/or investigation process

Within seven (7) days of the date the Independent Third Party receives a complaint, the Independent Third Party will determine if the complaint is admissible. If so, the Independent Third Party will appoint a Case Manager. If not, the Independent Third Party will alert the Complainant. The Independent Third Party's determinations are not appealable.

10. Informal Resolution or Referral to ADR

10.1 **Informal Resolution:** Where the complaint alleges, on its face, a minor infraction (as determined in the sole discretion of the Case Manager), the Case Manager may, in their sole discretion, attempt to resolve a complaint informally, including with respect to the imposition of disciplinary sanctions as set forth in Section 14. If informal resolution is successful, the Case Manager shall communicate and confirm the satisfactory informal resolution of the complaint, and any disciplinary sanctions issued, to the Complainant, the Respondent, and to AGF, and keep such communication in the records of AGF. If no resolution of the complaint is achieved through an informal process, the Case Manager shall proceed to continue to address the complaint pursuant to this Policy.

10.2 **Referral to ADR:** At any time during the complaint, hearing or discipline process, the Case Manager or any of the Parties may request and, by mutual agreement, refer the complaint to alternative dispute resolution ("**ADR**"), pursuant to the **Alternative Dispute Resolution Policy**. Should the Parties

not agree to pursue ADR, or if either Party chooses to forego ADR, the complaint shall continue to be addressed under this Policy.

11. Notice to Respondent

11.1 **Notice to Respondent:** The Case Manager shall provide notice to the Respondent of the complaint, which notice shall contain the following, at a minimum:

11.1.1 A copy of the complaint as submitted; and

11.1.2 Confirmation as to the number of independent persons will be appointed to the Panel pursuant to Section 13 and the expected time frame for such appointment.

12. Representation by a Third Party

At any stage in the process outlined in this Policy, any Party may designate another (uninvolved) individual of their choice, including but not limited to legal counsel, to represent them in the processes outlined in this Policy.

13. Nomination of Panel and Conduct of Hearing

13.1 **Nomination of a Panel:** Following the completion of the steps set forth in Section **Error! Reference source not found.**, the Case Manager shall appoint a panel (the “**Panel**”) which shall consist of one (1) independent person, and in certain circumstances in the sole discretion of the Case Manager, the Panel shall consist of three (3) independent persons. If a Panel of three (3) persons is appointed, the Case Manager will appoint one of the Panel’s members to serve as the chairperson of the Panel. The Panel shall hear and adjudicate on the complaint and to impose discipline if applicable.

13.2 **External Advice:** In fulfilling its duties, the Panel may obtain independent advice, including legal or such other expert advice as is deemed to be necessary or advisable. AGF shall be responsible for the costs of such external advisors.

13.3 **Purpose of a Hearing:** The Panel is responsible for holding a hearing, as described in this Section, for the purpose of determining whether a breach or violation of any AGF Policy has occurred, and the appropriate disciplinary sanctions, including the time frame applicable to such sanctions, if applicable.

13.4 **Format of Hearing:** The Case Manager has the sole discretion to determine whether the resolution of the complaint shall proceed by way of a documentary hearing, or an oral hearing.

13.4.1 **Documentary Hearing:** A documentary hearing refers to a hearing conducted by means of a review solely of documentary submissions by the Complainant and the Respondent.

13.4.2 **Oral Hearing:** An oral hearing refers to a hearing conducted in-person, by telephone, by video-conference or by such other electronic means as the Panel may decide, to be attended by the Complainant and the Respondent, and any other individuals or witnesses as invited by the Panel. The Panel conducting an oral hearing may also request that the Parties provide written submissions in advance of the oral hearing.

13.5 **Waiver of Hearing:** If at any time the Respondent acknowledges the underlying allegations contained in a complaint, the Respondent may waive the hearing, in which case the Panel will proceed to

determine the appropriate disciplinary sanction(s). The Panel may still hold a documentary or oral hearing for the limited purpose of determining the appropriate disciplinary sanction(s).

13.6 Hearing Procedures: Hearings will be governed by the procedures that the Case Manager and Panel deem appropriate in the circumstances, provided that the following shall always apply:

13.6.1 Timelines will be established and adhered to that ensure procedural fairness.

13.6.2 If a Party to the complaint is a minor, the minor must have a parent or guardian present if the hearing is an oral hearing.

13.6.3 The Panel shall direct the Case Manager to contact any relevant witnesses, which may include but is not limited to coaches and parents, to request documentary submissions and/or invite their participation in an oral hearing.

13.6.4 The Panel shall review all relevant AGF Policies and other relevant sources of information.

13.6.5 Copies of any written documents that any Party wishes to have the Panel consider will be provided to all other Parties in advance of the hearing.

13.6.6 Any decisions will be by a majority vote of Panel members.

13.6.7 In the case of an oral hearing, the Parties will be given appropriate notice of the day, time, and place of the hearing and whether such oral hearing shall be conducted in-person, by telephone, by video-conference or by other electronic means.

13.7 Participation in a Hearing: If a Party chooses not to participate in a hearing, whether documentary or oral, the hearing will proceed in any event and all Parties will be bound by the decisions.

14. Disciplinary Sanctions

14.1 General:

14.1.1 In all instances of disciplinary sanctions, detail with respect to the disciplinary sanctions imposed shall be recorded in writing by the Panel, or the Case Manager at the direction of the Panel, and communicated in writing to both the Complainant and the Respondent. Confirmation of the communication with the Complainant and the Respondent shall also be maintained in the Case Manager's final file with respect to the complaint.

14.1.2 Unless the Panel decides otherwise, or in the event that approval of the discipline by the Board of Directors is required pursuant to the Bylaws (for example, in the event of expulsion of a Member from AGF), disciplinary sanctions will have immediate effect.

14.1.3 Failure to comply with a disciplinary sanction, as determined by the Panel in its sole discretion, will result in immediate referral to the Board of Directors of AGF for suspension of membership, as set forth in the Bylaws, until such time as compliance occurs.

- 14.2 **Sanctions:** The following disciplinary sanctions may be applied by the Panel to a Party, individually or in combination:
- 14.2.1 Verbal reprimand;
 - 14.2.2 Written reprimand;
 - 14.2.3 Requirement to provide a verbal or written apology;
 - 14.2.4 Requirement to provide service or other voluntary contribution to AGF;
 - 14.2.5 Removal of certain privileges of membership for a designated period of time;
 - 14.2.6 Suspension from the current competition, activity, or event, or from specifically prescribed AGF Activities for a specific period of time;
 - 14.2.7 In the case of AGF Personnel, a temporary suspension of employment;
 - 14.2.8 Referral to the Board of Directors of AGF with the recommendation that the Board of Directors of AGF suspend or expel the Party from membership with AGF, pursuant to the Bylaws;
 - 14.2.9 Suspension from all AGF Activities for a specific period of time, including pending the conclusion of any criminal investigation or similar proceedings;
 - 14.2.10 In the case of AGF Personnel, termination of employment, including with cause;
 - 14.2.11 Termination of a volunteer position with AGF or, if the Respondent is a Director, a request to resign or instructions to the Board to vote to remove the Director, per the Bylaws;
 - 14.2.12 Withholding of prize money or awards;
 - 14.2.13 Requirement to pay, or reimburse AGF for the cost of repair or remediation of property damage;
 - 14.2.14 Suspension of all or any funding provided by AGF to the Party, and/or a recommendation to other funding sources (such as GymCan) that any or all funding provided to the Party being sanctioned be suspended, in all cases for a specified period of time;
 - 14.2.15 Requirement to attend and complete educational interventions with a view to addressing specific concerns that pertain to the infraction; and/or
 - 14.2.16 Any other sanction considered by the Panel to be appropriate for the infraction.

14.3 Escalation of Sanctions:

Repeated complaints against a Member that are substantiated by a Panel will result in escalating seriousness of disciplinary sanctions in future sanctions decisions. The Case Manager shall provide relevant information to the Panel with respect to the Member's disciplinary history following receipt of the decision as set forth in Section 16, which the Panel may then consider and may amend the sanctions accordingly and re-issue the decision.

15. Suspension Pending a Hearing

- 15.1 **Infraction Alleged During an AGF Activity:** In the event that a serious infraction is alleged to have taken place during an ongoing AGF Activity, for example during the course of a competition or training camp, a Complainant shall immediately notify an AGF person having responsibility over the event (such as a team manager or a chef de mission) (the "**Responsible Delegate**") and shall make every effort to immediately notify the AGF President/CEO and Manager of Safe Sport. The Responsible Delegate, in consultation with the AGF President/CEO and Manager of Safe Sport, where possible, or the AGF President/CEO or Manager of Safe Sport, having regard to the seriousness of the alleged infraction and the reasonableness of the basis upon which such allegation has been made, may impose an immediate suspension from the AGF Activity for the remaining duration of the AGF Activity only. A formal complaint then is required to be submitted as soon as possible pursuant to this Policy. If the complaint is accepted by the Independent Third Party, further disciplinary sanctions may be applied by a Panel.
- 15.2 **Extraordinary Circumstances:** In the case of an allegation of a serious infraction that, if substantiated, could result in a criminal investigation, criminal charges or other law enforcement proceeding, AGF may determine whether the suspension of the Respondent pending completion of a hearing pursuant to this Policy is appropriate, or whether other measures can reasonably be taken to mitigate against any risk to AGF, its Members and/or any member of the public short of suspension.
- 15.3 **General:** Any short-term or interim suspensions levied in accordance with this Section 15 shall have clear limits and activity restrictions imposed on the Respondent that are directly relevant to the alleged serious infraction, to allow the Respondent to maintain as many aspects of their membership with AGF as possible pending a hearing and a decision by a Panel. AGF, in consultation with the Case Manager and/or the Panel (when appointed), will consider and determine if suspensions issued under these circumstances can, should or are required to be disclosed to any other AGF Members or with any other group or individual.

16. Decisions of the Panel

- 16.1 **Written Reasons:** Following the conclusion of the hearing, the Panel will determine whether an infraction has occurred and, if so, the disciplinary sanctions to be imposed including any time period applicable to such sanctions. Within fourteen (14) days of the hearing's conclusion, the Panel shall provide their written decision, with reasons, to the Case Manager for distribution to all Parties and to AGF. In extraordinary circumstances, the Panel may first issue a verbal or summary decision immediately or soon after the hearing's conclusion, with the full written decision to be issued by the end of the fourteen (14) day period.

- 16.2 **Public Record:** The decision of the Panel will be considered a matter of public record to AGF Members, with appropriate redactions made to ensure privacy, where applicable, unless decided otherwise by the Panel.
- 16.3 **Compliance Required:** It shall be considered to be a condition of ongoing membership in good standing of AGF that all disciplinary sanctions rendered under this Policy be respected and complied with by the Respondent and all Members.

17. Prohibition Against Retaliation

Retaliation occurs when an individual experiences or is subject to negative consequences due to reporting or participating in an investigation or related process. The Complainant and the Respondent have the right to participate in the complaint resolution process outlined in this Policy, and any other AGF Policy, without fear of retaliation. Retaliation against anyone who reports a complaint or who participates in any aspect of the process outlined in this Policy is strictly prohibited. Any Member or other third party who experiences retaliation due to reporting a complaint or for participation in an investigation or hearing process should report such retaliation to AGF as soon as possible. Acts of retaliation will be addressed as a serious infraction.

18. Reintegration

Where disciplinary sanctions have been issued by a Panel for a serious infraction which resulted in the suspension or expulsion of a Respondent from AGF Activities, upon the AGF's request, the Respondent will meet with AGF, in a forum determined by AGF, in order to plan for the Respondent's reintegration in AGF Activities.

19. Reciprocity

The nature of disciplinary sanctions (without other case information) issued to a Member that may reasonably be considered to be relevant to GymCan, or could or should reasonably impact a current or former AGF Member's ability to register with another gymnastics or other youth-serving provincial sport organization in Canada, may at the discretion of AGF, be reported to GymCan or such other relevant organization. Where AGF is obligated, pursuant to the terms of any reciprocity agreement with GymCan, to disclose the nature of any disciplinary sanctions imposed on an AGF Member, AGF shall do so.

20. Confidentiality

- 20.1 **General:** Subject only to Section 16.2 which permits the final decision itself to be a matter of public record for AGF Members, the fact of receipt of a complaint and the details of the complaint shall be treated as confidential and shall not be disclosed by AGF or by the Case Manager to anyone, except in accordance with this Policy. All information with respect to the complaint and the hearing and discipline process shall be, and is required by all participants in the process to be, treated as confidential and shall not be disclosed to anyone, except as needed to follow this Policy. Until a final decision has been made by the Panel, disclosure of any information with respect to the hearing and disciplinary process shall be limited to the following persons, who are subject to the confidentiality and non-disclosure restrictions contained in the preceding sentence:
- 20.1.1 the Independent Third Party
 - 20.1.2 the Case Manager;
 - 20.1.3 the Parties (and their designated representative(s), if applicable);

- 20.1.4 the Panel;
- 20.1.5 those AGF Personnel who have a genuine and legitimate need to be aware of the information pertaining to the hearing and/or disciplinary process; and
- 20.1.6 any independent legal advisors consulted by the Panel in the discharge of his, her or their responsibilities pursuant to this Policy

Any breach of confidentiality shall itself be subject to discipline as set forth in this Policy.

- 20.2 **Limited Disclosure as Required by Law:** Where a complaint alleges any physical or sexual abuse of a Vulnerable Individual, AGF is legally obligated to contact the parents or legal guardians of the Vulnerable Individual and/or relevant law enforcement and/or child welfare authorities. Such disclosure is permissible pursuant to this Policy.

21. Appeals

The following determinations pursuant to this Policy are not appealable:

- 21.1 The appointment of the Independent Third Party;
- 21.2 The Independent Third Party's decision regarding a complaint's jurisdiction (as set forth in Section 5 above);
- 21.3 The Independent Third Party's dismissal of a complaint on the basis that it is Frivolous or Vexatious, as set forth in Section 11;
- 21.4 The appointment of the Case Manager;
- 21.5 The decision of the Case Manager to proceed by way of a documentary or an oral hearing; and
- 21.6 The selection of the member(s) of the Panel, except on the basis of the existence of a conflict of interest or bias.

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

SCHEDULE "A" – AGF COMPLAINT SUBMISSION FORM

Submit the completed form with attachments (2-page form)

Section 1: Complainant			
Name:		Date of Submission to AGF:	
Mailing address:		City, Province:	Postal Code:
Phone number (day):	Phone number (evening)	Member Club:	
Email:			
Is this complaint being made on behalf of a minor? <input type="checkbox"/> No <input type="checkbox"/> Yes			
If yes, provide the name and age of the minor:			
Section 2: Respondent – Person or Entity Against Whom the Complaint is Being Made (Please complete as much as possible)			
Name:		Date:	
Mailing address:	City, Province:	Postal Code:	
Phone # 1:	Phone # 2:	Member Club:	
Email:			
Is the Respondent a minor? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Name of parent or guardian of this minor:			

Complaint: Describe the incident(s) complained of in detail, including dates, locations, witnesses, and all pertinent information (attach additional pages if necessary).

Outline any additional information or supporting documentation that would be helpful.

Specify the relevant name and sections of AGF Policies alleged to have been breached:

FOR AGF STAFF

Date received:	Received by:	Name of Case Manager assigned:	Internal: _____ External: _____ Phone number: _____ Email: _____
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FOR CASE MANAGER

Does the complaint fall within the jurisdiction of AGF? No (dismiss) Yes

Is the complaint Frivolous and Vexatious? No Yes (dismiss)

Is the information included in the complaint complete / sufficient to proceed? No Yes

Advise that complaint has been dismissed or request additional information prior to proceeding: Yes Date: _____

Next Steps – Case Manager

1. Communication by Case Manager of receipt of complaint and provide preliminary process information to Complainant and Respondent:
 Yes Date: _____
 2. Informal resolution or agreement to proceed to ADR? Yes Date: _____
 3. Appointment of Panel: Yes Date: _____
 4. Determination of format of hearing: Complete Format: _____
 5. Panel Decision completed timely: Yes Date: _____
 6. Panel decision communicated to Respondent and Complainant: Yes Date: _____
 7. Decision and Materials Received by AGF office: Yes Date: _____
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SCHEDULE "B" CASE MANAGER – DESCRIPTION OF DUTIES AND RESPONSIBILITIES

Capitalized terms used in this description of duties and responsibilities are defined in the *Complaints, Hearings and Discipline Policy & Procedure* and/or the *Appeal Policy & Procedure*.

General

1. In some of its policies, AGF requires the appointment of a Case Manager. This description of duties and responsibilities outlines the role, identity, responsibilities and tasks of the Case Manager.

Terminology – Complaints and Appeals

2. The Case Manager has a role with respect to complaints as well as with respect to appeals of decisions made by a Panel. Therefore for convenience, throughout this description of duties and responsibilities, in the case of an appeal, the term "complaint" shall also mean "appeal", "Complainant" shall mean "Appellant", "Panel" shall mean "Appeal Panel", and references to "Policy" shall mean the *Complaints, Hearings and Discipline Policy & Procedure* or the *Appeal Policy & Procedure*, as applicable.

Identity

3. The Case Manager is appointed by the Independent Third Party (for complaints) and by AGF (for appeals) at their sole discretion. The appointment of the Case Manager does not need to be approved by any of the other parties involved in the complaint or appeal.
4. Wherever possible, for cost reasons and for the efficient management of complaints, the Case Manager will be the AGF Manager of Safe Sport (or equivalent role). In some cases, where the AGF Manager of Safe Sport position (or equivalent role) is vacant, or is or may be perceived to be non-independent or biased, an external third party (external to AGF and free from any conflict in relation to the complaint) will be appointed as Case Manager. In particular if the factual circumstances of a complaint are complex, or if a party to the complaint is an employee of AGF or a member of the AGF board of directors, an external third party Case Manager will be preferred.
5. The Case Manager should be experienced with the management of disputes in an unbiased manner. The Case Manager must not be connected in any way to the issue being disputed and/or the outcome of the dispute. The Case Manager does not need to be a Member of AGF or have a background in gymnastics.
6. The individual who acted as the Case Manager for a complaint process should not act as the Case Manager for an appeal process if the complaint decision is appealed.

General Duties and Responsibilities

7. The Case Manager's primary role is to manage the administrative aspects of handling a complaint or appeal, notifications to and communications with the Parties, requests for information, scheduling etc.
8. The Case Manager is not acting as the Panel and is not to engage in a substantive review of the complaint or the appeal or participate in the Panel's decision-making process.

Discretion of Case Manager

9. In the case of an appeal, the Case Manager is not acting as the Appeal Panel and determining the merits of the appeal, but instead is simply determining whether the Appellant may have properly shown that an error, as described in the Appeal Policy, has been properly raised.

10. The Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, in order of usual or expected frequency:
 - a) Written submissions; or
 - b) Conference call or videoconference;
 - c) Conference call together with written submissions; or
 - d) In person (extremely rare).

11. In determining the format of the hearing the Case Manager should consider:
 - a) The distance between the parties;
 - b) The animosity between the parties;
 - c) The time commitment and location of the Panel;
 - d) The timelines for a decision;
 - e) The language barriers between the parties;
 - f) The gravity of the complaint/appeal; and
 - g) The cost of each respective form of hearing, in the context of all of the above factors.

Panel Appointment

12. The Case Manager is required to appoint a Panel of one (1) person, or three (3) in rare circumstances, to decide the issue. The individual(s) appointed to a Panel should have the following characteristics:
 - a) Experience in dispute resolution;
 - b) Experience with sport disputes;
 - c) No connection to either party; and
 - d) No connection with AGF that would constitute a conflict of interest.

13. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable AGF Policy. For example, if the applicable policy does not permit the Panel to suspend a Respondent indefinitely, then the Panel cannot sanction a Respondent in this manner.

Communication

14. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy, and the process must move forward even if a party misses a deadline.

15. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.

Suggested Procedure for Handling Complaints/Appeals

16. The Case Manager may implement the following procedure to facilitate the procedures set forth in the applicable Policy:
- a) Notify the Complainant/Appellant of the appointment as the Case Manager, and that the complaint will be disclosed to the Respondent, any Affected Parties (in the case of appeals) and to the Panel. Determine if there is additional evidence or written submissions required to supplement the initial submission. If so, provide a deadline for receipt.
 - b) Notify the Respondent of the appointment as the Case Manager and the receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant, any Affected Parties (in the case of appeals) and Panel. Provide the Respondent within the timeframes set out in the applicable policy to submit a response and any applicable evidence.
 - c) The Case Manager may wish to provide the Complainant/Appellant with an opportunity to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel will exclude new evidence submitted in a rebuttal.
 - d) Appoint the Panel.
 - e) Determine the format for the hearing and organize the hearing.
 - f) Ensure the Panel renders a written decision within a prescribed timeline.