

Filing a complaint

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1. Purpose of this manual

This manual provides you with information on the procedure to follow to file a complaint against someone by means of an independent third party. The complaints procedure contains important guidelines, and we recommend that you read this manual in addition to the complaints procedure document.

2. Important things to know

Anyone may file a complaint.

Only complaints relating to situations occurring during activities organized by the Canadian Deaf Sports Association may be submitted to the independent third party. We encourage people to share their concerns with the independent third party, even if they don't think, or are unsure, that at least one of the policies has been breached.

Generally, we tend to review recent complaints that have occurred in the past four months and we encourage individuals to file complaints within that time frame. However, we do understand that problems may take time to emerge, or delays happen beyond individual's control and therefore we will investigate all complaints.

The person making the complaint (hereinafter the "Complainant") must provide us with their name and contact information so as to help ensure that the process be fair for all parties involved.

We ask the Complainant to provide evidence and examples to support their complaint. We also ask the Complainant to provide important information regarding the complaint (see section 8. Complaints Procedure).

3. About the CDSA

The Canadian Deaf Sports Association (CDSA) is a not-for-profit organization dedicated to the development of high-performance deaf and hard-of-hearing athletes. Through direct financial support, the CDSA helps these athletes take part in international sporting events

sanctioned by the International Committee of Sports for the Deaf and the Pan American Organization of Sports of the Deaf.

To find out more about the CDSA, [click here](#).

4. About the independent third party

The mandate (role and responsibilities)

The independent third party's primary mandate is to receive, manage, and process in a confidential manner any allegations of abuse and harassment or violation of CDSA policies (as specified in section 6) or of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) committed by CDSA members against other CDSA members.

The independent third party is responsible for assessing the initial complaint. It must take steps and issue recommendations that are appropriate to the nature of the complaints.

The independent third party must ensure the quality and integrity of the complaints process, which should reflect the following values and qualities:

- Ensure a healthy and safe environment for all free from harassment, abuse and all forms of maltreatment
- Reliability
- Neutrality
- Impartiality
- Confidentiality
- Clear procedures
- Availability of information in LSQ, ASL, and in written English and French
- Respect for cultural and language differences
- Reasonable time frames
- An affordable system (within reason)

In addition, the independent third party must provide support throughout the complaints process.

The independent third party's profile

The committee consists of two persons:

- A deaf person who is an expert in ASL
- A deaf person who is an expert in LSQ

Independent third-party members must have completed mediation training, provided by the CDSA, and must be qualified to handle complaints they may receive at any time.

Selection criteria for independent third-party members

Independent third-party members must have the qualifications required to analyze and determine whether complaints are admissible or not. In addition, the members must be familiar with all the policies identified in section 2 of this document and in the CDSA's UCCMS.

Independent third-party members must also be self-governing and external. They must not be directly affiliated with the CDSA. To prevent any actual, potential or perceived conflict of interest, the members should not be:

- An employee of the CDSA
- A member of the Board of Directors of the CDSA
- Work in the same offices or facilities as the CDSA
- Have a number or extension in the CDSA's telephone system
- Share the same domain name in his/her e-mail address as CDSA members
- A family member of anyone at the CDSA
- A business partner of anyone at the CDSA
- A spouse or friend subject to the appropriate policies

In short, independent third-party members must have no direct interest in protecting the CDSA's reputation or that of its officers or members. Independent third-party members must have in-depth knowledge of deaf culture and the world of sports. In addition, their expertise in ASL or LSQ must meet the highest standards.

How independent third-party members operate

The independent third party handles complaints by supervising, managing, and processing complaints procedures, while ensuring the confidentiality of documents.

The policies and codes of conduct governing the process

The sports safety policies and codes of conduct that support the independent third party's mandate and complaints process are:

- The Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)
- Discipline policy
- Policy on discrimination and harassment
- Equity policy
- Code of conduct ethics

5. Why having a complaints process is important

It is important that a person be able to file a complaint if they believe that someone has not complied with at least one CDSA policy.

Hence, it is important to file a complaint as it enables us to protect the public and comply with the CDSA's policies. If one person experiences a negative event and does not share it with us, we cannot ensure that it does not happen to someone else.

6. Who can file a complaint

Anyone can file a complaint against an offender, but the Complainant must provide us with evidence to support the complaint, along with their name and contact information.

Generally, we do not handle complaints that are submitted anonymously to ensure an equitable process.

If a person files a complaint anonymously, we cannot ask him or her for more information. As a result, it is difficult for the accused person to defend him- or herself and present his or her view of the facts.

If, however, the complaint is very serious we may need to take action even if the complaint was filed anonymously.

7. Against whom is it possible to file a complaint?

A complaint may be filed against any person who is at the origin of an incident occurring as

part of activities organized by the CDSA.

8. What are examples of a complaint?

A person may file a complaint if they believe that someone has violated at least one CDSA policy. This may include:

1. Psychological Maltreatment
2. Discrimination and Audism
3. Sexual Maltreatment
4. Physical Maltreatment
5. Breach of Confidentiality
6. Bullying
7. Harassment
8. Communicational Barriers

CDSA's policies provide the grounds on which complaints may be based.

9. Complaint-filing procedure

The first thing to do when something is wrong is to try and talk to the person involved. It may simply be a misunderstanding.

However, if the informal approach does not work, or if the problem is so serious that the Complainant does not wish to communicate directly with the person involved, it is possible to file a formal complaint with an independent third party. The complaint must be submitted as soon as possible after the event.

As stated above, generally, we tend to review recent complaints that have occurred in the past four months and we encourage individuals to file complaints within that time frame. However, we do understand that problems may take time to emerge, or delays happen beyond individual's control and therefore we will investigate all complaints, regardless of when the incident took place. Once the complaint has been investigated, we inform the Complainant if we decide to pursue the matter or if further information or evidence is needed.

There are four ways to file a complaint:

1. Online
2. E-mail
3. Videoconference
4. Written correspondence

The Complainant must indicate:

- The first and last names of the Complainant
- The first and last names of the person mentioned in the complaint
- A detailed description of the incident (what, who, where, when, how)
- The articles of the policies and code of conduct that are alleged to have been violated by the person involved.
- A description of how the person's misconduct affected the Complainant, the witness, or the situation.
- A list of possible sources of evidence to support the claims:
 - Witnesses, affidavits
 - Documentation, correspondence
 - Video recordings
- A summary of the actions taken before filing the complaint
- The status of the legal steps taken when the complaint was filed, if applicable
- Information about previous incidents concerning this person and experienced by the Complainant, if applicable

10. What happens after a complaint is filed?

Complaints should be directed to the independent third party using one of the four ways to file a complaint as outlined in the previous section. The recommended procedure for handling complaints is as follows:

Assessing the admissibility of the complaint

1. Inadmissible (e.g. administrative in nature, beyond the independent third party's mandate, frivolous, vexatious, abusive or in bad faith): dismissal of the complaint and referral to the Human Resources Committee or the Executive Director of the CDSA. If applicable, the person who makes a frivolous, vexatious, abusive or bad faith

complaint is exposed to the consequences of such acts and therefore to a sanction.

- a. Inform the Complainant and ask for their permission to refer the complaint to one of the following resources:
 - i. Executive Director
 - ii. Human Resources Committee
 - iii. Athlete representative
- b. If the Complainant approves, refer the complaint to the appropriate resource
- c. Resolve the complaint
- d. Close the file

2. Admissible: the process is initiated and the parties involved are informed.

Preliminary analysis and procedures

1. The independent third party performs a preliminary analysis to determine the scope of the mandate to be considered. This includes consulting the parties involved to gather as much information as possible about the incident. When deemed necessary by the independent third party, an investigator may be appointed to meet with the persons involved and the witnesses to determine whether there has in fact been a violation of a CDSA policy.
2. Before or after an investigation is conducted, the independent third party may ask the persons involved if they wish to take part in voluntary mediation. In such cases, mediation services are provided by the Sport Dispute Resolution Centre of Canada (SDRCC). If the parties reach an agreement to resolve the complaint, a settlement agreement will be drawn up and signed by the parties to end the process and close the file.
3. If the persons involved do not wish to take part in mediation, or if the mediation efforts have not been successful, the case is brought by the independent third party to the Protection Tribunal of the SDRCC. The Protective Tribunal arbitrator decides whether there has been a violation of a CDSA policy and, if so, what sanctions are justified. The arbitrator's decision is final and subject only to an appeal to the Appeals Tribunal of the SDRCC.
4. Complaints beyond the purview of the independent third party (e.g., criminal charges, sexual abuse, etc.):
 - a. The independent third party refers the case to official and legal authorities

(e.g., police, youth protection directorate, etc.). If it deems it appropriate in the circumstances, the independent third party may impose an interim sanction on the person who has allegedly violated a CDSA policy pending completion of the aforementioned authorities' procedures. The person who is subjected to such a provisional sanction may challenge this decision before the Protection Tribunal of the SDRCC.

Post-complaint assessment

Following the resolution of the complaint, a report detailing the resolutions and decisions may be prepared by an independent third-party member. The independent third party may, if deemed appropriate, make recommendations to the Executive Director or the Board of Directors of the CDSA to prevent further complaints of the same nature, either to clarify policies or improve procedures within the CDSA.

11. What is mediation and why should I consent to it?

Mediation is a way of settling a dispute between two or more people. It involves a trained person, called a “mediator,” who helps you to discuss the issues and reach a solution. For mediation to take place, both parties must consent.

Mediation provides more control over the process.

Please keep in mind that the CDSA favours a non-confrontational and non-aggressive approach that aims, above all, to prevent conflict – such an approach is always prioritized. The persons involved in the case, including persons who are most vulnerable, are entitled to the customary protections in accordance with the principles of natural justice granted to the person who is the subject of the complaint.

Why mediation may be helpful

Mediation may be very helpful because sometimes a problem is simply due to a misunderstanding. When a person files a complaint, he/she may be aware that the accused person did not intentionally make a mistake and may simply want to make sure it does not happen again.

The mediator is trained to help you think creatively. He or she helps both parties consider all

options, especially ones that you may not have considered.

If you agree to mediation

If both the Complainant and the accused person agree to mediation, the Complainant, the accused person and the mediator engage in the mediation process. The mediator confirms that both parties understand the process and are committed to it. Furthermore, the parties agree to:

- Cooperate with the mediator
- Provide suitable responses to all questions or requests for further information
- Take part in mediation so as to reach an agreement
- Find middle ground of understanding
- Make efforts to cooperate with each other and the mediator
- Keep confidential all issues discussed in their meetings (apart from issues that are a problem for public safety or that have been disclosed under the law)
- The provision that the mediator may not be called to testify in subsequent proceedings
 - The provision that no official note may be kept

Usually, the procedure is deployed in four phases.

1. Opening phase. The mediator may meet with the Complainant and the accused person separately. Subsequently, all parties meet together. The mediator explains the process. The mediator explains that there is a set period to complete the process and that it is up to the parties to make the most of it. Each person gives their opening statement.
2. Exploration phase. Assisted by the mediator, the two parties individually discuss the problem in detail.
3. Negotiation phase. Discussion of what comes next in the process.
4. Resolution phase. The parties agree on what should ensue as a result of this process.

Here are some examples of what can happen following mediation:

- Apologies

- The accused person agrees to change a specific behaviour
- A pledge is made to take action to remedy the current situation

The mediator transcribes what has been decided. This document is then signed by the Complainant, the accused person and the mediator.

What has been decided remains confidential unless both parties agree to make the decision public.

When mediation is unsuccessful

If mediation is declined or unsuccessful, the case is brought by the independent third party to the Protection Tribunal of the SDRCC. The Protection Tribunal arbitrator decides if there has been a violation of a CDSA policy and, if so, what sanctions are justified. The arbitrator's decision is final and subject only to an appeal before the Appeals Tribunal of the SDRCC.

12. Available assistance

The independent third party acts impartially when dealing with complaints and assists both the Complainant and the person who is the subject of the complaint on procedural matters throughout the process. However, the parties may also choose to seek independent counsel, in addition to the assistance offered by the independent third party.

12.1 Professional Organizations

Abuse Free Sport / Canadian Sport Helpline

Hours of Operation: 8 a.m. to 8 p.m. ET, 7 days a week

Phone: 1-888-83SPORT (77678)

Website: <https://abuse-free-sport.ca/>

Email: info@abuse-free-sport.ca

Sport Dispute Resolution Centre of Canada (SDRCC)

Phone: 1-866-733-7767

Website: www.crdsc-sdrcc.ca

Email : education@crdsc-sdrcc.ca

12.2 Provincial and/or National Organizations

Saskatchewan - Sask Sport Ressource Line

Phone : 1-888-329-4009

Text message: 1-306-717-9636

Website: <https://www.sasksport.ca/programs-education/respect-in-sport/sask-sport-resource-line/>

Email: help@resourceline.ca

Manitoba - Sport Manitoba

Phone: [1-877-737-9875](tel:1-877-737-9875)

Website: <https://www.sportmanitoba.ca/resources/sport-support-line/>

Email: gethelp@changeofseasons.ca

Quebec - Sport'Aide

Hours of Operation: 8 a.m. to 8 p.m. ET, 7 days a week

Phone : 1-833-211-AIDE (2433)

Site web: <https://sportaide.ca/>

Email: aide@sportaide.ca

12.3 Other relevant resources**The Sport Information Resource Center**

Website: <https://sirc.ca/fr/>

Respect Group

Website: <https://french.respectgroupinc.com/>

Commit to Kids

Website: <https://commit2kids.ca/fr/>

Coaching Association of Canada

Three Steps to Responsible Coaching

Website: <https://coach.ca/three-steps-responsible-coaching>

13. Contact information**Dre Rachel Fillion, Psy. D.**

Email: rachel.fillion@gmail.com

Phone: 418-841-7961

Text message: 581-983-8805

Address: 5400, Boul. des Galeries, suite 320 Québec, QC, G2K2B4

Possibility to meet remotely (video) or to meet in person in Quebec.

Languages: French, LSQ (fluent), ASL (intermediate level).