

## Discipline Policy

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1. Organization & Governance

**Policy Number:**

1.5.2

**Policy Section:**

Ethical Conduct

**Approved by:**

Executive Director, Board

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**Contact:**

Executive Director

### 1 PREAMBLE

1.1 Membership and participation in the activities of Youth Science Canada offer many benefits and privileges. At the same time members and participants are expected to fulfil certain responsibilities and obligations, including complying with the Code of Conduct of Youth Science Canada. This Code of Conduct identifies the standard of behaviour that is expected of members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

### 2 DEFINITIONS

2.1 The following terms have these meanings in this Policy:

1. "Individual(s)" will mean all categories of membership defined in the Youth Science Canada Bylaws, as well as all people employed by Youth Science Canada or engaged in programs and events with Youth Science Canada including but not limited to, delegates, alternate delegates, finalists, CWSF host committee members, guests, judges, volunteers, staff and members of Youth Science Canada.
2. "Complainant" will mean the party alleging an infraction.
3. "CWSF" will mean "Canada-Wide Science Fair".
4. "Days" will mean total number of days, irrespective of weekends or holidays.
5. "Finalist" will mean any young person who has been chosen to attend a Youth Science Canada event (i.e., CWSF, ISEF, MILSET, etc.).
6. "ISEF" will mean "Intel International Science and Engineering Fair".
7. "MILSET" will mean "MILSET Expo Sciences International".
8. "NSFC" will mean "National Science Fair Committee".
9. "Respondent" will mean the alleged infracting party.

### 3 APPLICATION OF THIS POLICY

3.1 This Policy applies to all Individuals defined in the Definitions with respect to all discipline matters (except for issues of academic integrity of CWSF participants which is dealt with in policy 1.5.5) that may arise during the course of Youth Science Canada's business, activities and events, including but not limited to, the office environment, the CWSF, the ISEF, MILSET, travel associated with Youth Science Canada activities, and any meetings of staff, committees or the Board of Directors.

3.2 Discipline matters and complaints arising within the business, activities or events organized by entities not listed in Section 3.1

will be dealt with pursuant to the policies of these other entities unless accepted by Youth Science Canada at its sole discretion or such discipline matters and complaints adversely affect relationships within Youth Science Canada's and is detrimental to the image and reputation of Youth Science Canada.

## **4 REPORTING AN INFRACTION**

4.1 Any individual may report to Youth Science Canada's Executive Director or his or her designate (at the CWSF this will be the Chair of the NSFC) a Code of Conduct infraction, using the Incident Report attached to this policy. Complaints must be signed and in writing, and must be filed within fourteen (14) days of knowledge of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Youth Science Canada.

4.2 A Complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of Youth Science Canada. This decision may not be appealed.

4.3 If the incident involves a Code of Conduct infraction allegedly carried out by or involving the Executive Director, the Incident Report will be reported to and handled by the Chair of the Youth Science Canada Board of Directors.

4.5 When an incident report is received during the CWSF, the region(s) involved will be informed of the incident details and the resulting consequences.

## **5 CASE MANAGER**

5.1 Upon receipt of a complaint, the Executive Director, or designate (at the CWSF the Case Manager will be the Chair of the NSFC, or designate in the case of a conflict) will act as the Case Manager and will oversee the 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. More specifically, the Case Manager has a responsibility to:

1. Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager, or designate, determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to the acceptance or dismissal of the complaint may not be appealed.
2. Determine if the complaint is a minor or major infraction;
3. Appoint the Panel, if necessary, in accordance with this Policy;
4. Determine the format of the hearing;
5. Coordinate all administrative aspects of the complaint;
6. Provide administrative assistance and logistical support to the Panel as required; and
7. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

5.2 Upon the acceptance of the complaint, the Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.

5.3 This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## **6 MINOR INFRACTIONS**

6.1 Minor infractions are single incidents of misconduct that breach the Code of Conduct of Youth Science Canada but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not limited to, the Executive Director, Chair of a Youth Science Canada committee, the Chair of the CWSF Host Committee, the Chair of the NSFC, the Chair of the NJC and the Regional Delegate. Examples are attached to this policy.

6.2 Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. This policy will not prevent an appropriate person with authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.

6.3 Disciplinary sanctions for minor infractions may include the following:

1. Oral or written reprimand;
2. Oral or written apology;
3. Service or other voluntary contribution to Youth Science Canada;
4. Suspension from the current activity;
5. Any other similar sanction considered appropriate for the offence.

6.4 Minor infractions that result in discipline will be recorded and maintained by Youth Science Canada. Repeated minor infractions may result in further such incidents being considered a major infraction.

## **7 MAJOR INFRACTIONS**

7.1 Major infractions are instances of misconduct that violate the Code of Conduct of Youth Science Canada and which result, or have the potential to result, in harm to other persons, to him/herself, to Youth Science Canada, or a Youth Science Canada event (i.e., CWSF, ISEF, MILSET, etc.). Examples are attached to this policy.

7.2 If the Case Manager is satisfied the complaint is a major infraction, the Case Manager will:

1. Notify the Complainant and the Respondent and provide each a copy of the complaint, the Incident Report, a copy of the Code of Conduct and a copy of this Policy;
2. Inform the parents/guardians of the parties of the incident and this policy;
3. Request the Complainant to submit all evidence and documents supporting their position;
4. Provide the Respondent an opportunity to file a written response to the complaint and any related evidence, which will be disclosed to the Complainant.
5. Request a rebuttal submission from the Complainant based on any new evidence submitted by the Respondent.

7.3 Major infractions occurring within Youth Science Canada may be dealt with immediately, if necessary, by the appropriate person having authority. At the CWSF, the Chair of the NSFC will be the person having such authority. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the event only. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this policy for major infractions. This review does not replace the appeal provisions of this policy.

## **8 DISCIPLINE PANEL**

8.1 Upon receiving an Incident Report, if the incident occurs at the CWSF and the incident is determined to be a major infraction, the Case Manager will appoint the following Discipline Panel:

1. If the incident does not involve a violation of academic integrity, the Executive of the NSFC will act as the Discipline Panel. The Chair of the NSFC will chair this Discipline Panel.

8.2 At all other times, upon receiving an Incident Report and determining the complaint to be a major infraction, the Case Manager will appoint any three individuals to serve as a Discipline Panel. The members of the Panel will select a Chair from among themselves.

8.3 Members of the Discipline Panel will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.

8.4 The Discipline Panel will hold the hearing as soon as possible.

8.5 Notwithstanding the above, if the incident occurs at the CWSF, the Discipline Panel will meet as soon as possible after the incident occurs.

## **9 PRELIMINARY MEETING**

9.1 The Discipline Panel may determine that the circumstances of the infraction warrant a preliminary meeting or hearing. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include, but are not limited to:

1. Date and location of the hearing;
2. Clarification of issues in the infraction;
3. Order and procedure of the hearing;
4. Evidence to be brought before the hearing;
5. Identification of any witnesses;

6. Any other procedural matter that may assist in expediting the hearing.

## 10 HEARING

10.1 Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence, in-person or via teleconference.

10.2 Where the Panel has determined that the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:

1. All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
2. The applicable principles and timelines set out by the Panel or the Case Manager are respected.

10.3 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

1. The individual being disciplined will be given reasonable written notice of the day, time and place of the hearing except for incidents that occur at events like the CWSF, ISEF and MILSET. In these instances, the hearing will be held as soon as is possible.
2. A quorum will be all three Panel members and decisions will be by majority vote where the Chair carries a vote.
3. The individual being disciplined may be accompanied by an advisor.
4. The individual being disciplined will have the right to present evidence and argument.
5. The parties will be provided copies of all evidence to be relied upon;
6. Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
7. Any party potentially affected by the matter may be made party to the hearing by the Panel;
8. The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing.
9. If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed.
10. The hearing will be held in private.
11. Each party will bear their own costs;
12. Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

10.4 After hearing the matter, the Panel will determine whether or not the individual has breached the Code of Conduct and if so, will determine the appropriate penalty and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be submitted to the Case Manager who will distribute a notice of decision to all parties within 7 days of the conclusion of the hearing.

10.5 At events like the CWSF, ISEF and MILSET, the Panel's decision will be given orally at the end of the Hearing and will be followed by a written decision, as soon as possible.

10.6 Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

## 11 SANCTIONS

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

1. Written reprimand;
2. Removal of certain privileges of membership or employment;
3. Suspension from certain events, which may include suspension from the current event;
4. Suspension from acting as a delegate or judge for a designated period of time at Youth Science Canada activities such as, but not limited to the CWSF, ISEF or MILSET;
5. Suspension from employment with or without pay;
6. Suspension from all Youth Science Canada activities for a designated period of time;
7. Expulsion from membership;
8. Publication of the decision;
9. With incidents concerning finalists at Youth Science Canada events (i.e., CWSF, ISEF, MILSET, etc.), suspension from the event and immediate transport home at the parent's/guardian's expense.
10. Disqualification from the event and if appropriate, cancellation of awards and/or medals that may have been previously awarded at the event.
11. Other sanctions as may be considered appropriate for the offence.

## 12 DISCIPLINARY MEASURES

12.1 The Discipline Panel may impose the following disciplinary measures, either individually or combined, depending on the severity of the abuse or harassment:

1. Employees
  1. Oral apology;
  2. Written apology;
  3. Letter of reprimand from Youth Science Canada;
  4. Referral to a counsellor;
  5. Withdrawal of some responsibilities;
  6. Demotion;
  7. Temporary suspension with or without pay;
  8. Dismissal.
2. b) Volunteers
  1. Oral apology;
  2. Written apology;
  3. Letter of reprimand from Youth Science Canada;
  4. Withdrawal of some privileges;
  5. Loss of volunteer status;
  6. Loss of membership status and expulsion.
3. c) Event/Activity Participants
  1. Oral apology;
  2. Written apology;
  3. Letter of reprimand from Youth Science Canada;
  4. Withdrawal of some privileges;
  5. Disqualification and or expulsion from the event/activity.

12.2 In the event a complaint leads to a criminal investigation, the Disciplinary Committee may recommend to the Board of Directors to suspend the Respondent from his/her duties or participation for the duration of the criminal investigation.

12.3 If, following an investigation and/or trial, the Respondent pleads guilty or is found guilty, he/she shall be dismissed or expelled from Youth Science Canada.

12.4 Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership or participation in Youth Science Canada events until such time as the sanction is complied with.

12.5 In applying sanctions, the Panel may give regard to the following aggravating or mitigating circumstances:

1. The nature and severity of the infraction;
2. The extent to which others have been harmed by the infraction;
3. The cooperation of the individual being disciplined in the proceedings under this policy;
4. Whether the incident is a first offence or has occurred repeatedly;
5. The individual's acknowledgment of responsibility,
6. The individual's remorse and post-infraction conduct;
7. The age, maturity or experience of the individual;
8. Whether the individual retaliated, where the incident involves harassment;
9. The individual's prospects for rehabilitations.

12.6 If a participant is expelled from an event, the case manager will contact the Regional Coordinator of the participant's region to inform him/her of the expulsion.

## 13 SERIOUS INFRACTIONS

13.1 The Executive Director of Youth Science Canada or the Case Manager may determine that the alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel. If the alleged infraction occurs at the CWSF, the Chair of the NSFC will make this decision.

## 14 CONFIDENTIALITY

14.1 The Executive Director (or the Chair of the NSFC if the infraction occurs at the CWSF) and the Case Manager will keep all

proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is deemed to be in the best interests of the Youth Science Canada community or the general public by the Executive Director.

14.2 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.

## **15 TIMELINES**

15.1 If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

## **16 APPEALS**

16.1 The decision of the Panel may be appealed in accordance with the Youth Science Canada's Appeals Policy 1.5.3.

## **EXAMPLES OF INFRACTIONS**

### **1 EXAMPLES OF MINOR INFRACTIONS:**

1. A single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including, but not limited to, peers, delegates, judges, guests, sponsors and the public;
2. Conduct contrary to the ideals of fair play such as angry outbursts or arguing;
3. A single incident of being late for or absent from Youth Science Canada events and activities at which attendance is expected or required;
4. Non-compliance with the rules and regulations under which Youth Science Canada events are conducted.

### **2 EXAMPLES OF MAJOR INFRACTIONS:**

1. Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including, but not limited to, peers, delegates, judges, guests, sponsors and the public;
2. Repeated conduct contrary to the ideals of fair play such as angry outbursts or arguing;
3. Repeated incidents of being late for or absent from Youth Science Canada events and activities at which attendance is expected or required;
4. Activities or behaviour that interfere with the organization of a Youth Science Canada event;
5. Pranks, jokes or other activities that endanger the safety of others;
6. Deliberate disregard for the rules and regulations under which Youth Science Canada events are conducted, whether at the local, provincial, national or international level;
7. Any conduct that results in harm to the image, credibility or reputation of Youth Science Canada and/or its sponsors;
8. Abuse of alcohol by adults at a Youth Science Canada activity where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
9. Defacing or destruction of private or public property;
10. Any use of alcohol by finalists at the CWSF, ISEF, or MILSET;
11. Failure to meet the expectations set out for finalists by their Delegate or Youth Science Canada;
12. Use of illicit drugs and narcotics.

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