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Procedure

Procedure Title: Temporary Suspension and Discipline	
Procedure Number: 13020.1	Document Owner: Director of Child and Youth Safety
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Approver: National Leadership Team	
Related Policy: Temporary Suspension and Discipline – Policy # 13020	

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1. Purpose

- 1.1. The purpose of this document is to establish operating procedures for the following:
 - 1.1.1. temporary suspensions of membership while investigations are pending;
 - 1.1.2. investigations to determine if disciplinary actions are required;
 - 1.1.3. disciplinary actions - specifically, verbal reprimands, written reprimands, and terminations;
 - 1.1.4. reinstatements of membership following terminations; and
 - 1.1.5. appeals of disciplinary actions.
- 1.2. Scouts Canada has implemented these procedures to provide the safest possible environment for Canada's youth to reap the benefits of Scouting and develop into constructive and well-rounded adults. If you have any questions regarding these procedures, contact your Council Commissioner, Council Youth Commissioner, or Council Executive Director.



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2. Scope

- 2.1. This procedure applies to all of Scouts Canada's Registered Members who are required to sign the Code of Conduct. As specified in the Volunteer Screening Policy, this includes Scouters and other adults (e.g. B.P. Guild members), Rover Scouts, and members under 18-years of age who are in a "responsible position".
- 2.2. While the ultimate responsibility for each procedure vests in the respective person named in this procedure, this procedure is not intended to restrict a responsible person's ability to delegate such responsibility to or seek assistance from another person to perform the procedure.

3. Exemptions

- 3.1. Any applications for exemptions to this procedure must be submitted by the Council Executive Director to the Director of Child and Youth Safety.
- 3.2. Exemptions to this procedure may be approved only in writing by the Chief Commissioner, in consultation with the National Youth Commissioner and the Executive Commissioner.



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4. Procedures

4.1. Reporting of a Complaint

4.1.1. A member must report in writing to the Council Commissioner any incident or behaviour that would be cause for temporary suspension under 4.2.2.

4.2. Temporary Suspension

4.2.1. The Council Commissioner, in consultation with the Council Youth Commissioner and Council Executive Director, must immediately suspend a member who is:

- accused of any serious non-compliance with the Code of Conduct;
- accused of not reporting an observed or informed violation of serious non-compliance with the Code of Conduct as set out in section 4.2.2;
- charged with a crime;
- subject to a police investigation.

4.2.2. Serious non-compliance with the Code of Conduct includes but is not limited to the following:

- an act or omission that contravenes Canadian criminal law;
- knowing failure to disclose criminal convictions or charges that occur after the member's completion of his or her most recent police record check;
- intentional touching of a youth other than on the hands, arms, shoulders, or head, except when medical or activity safety circumstances warrant;



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- abuse or exploitation of children or youth in any way;
- failure to self-report violation of the two-leader rule to the supervising commissioner;

intentional violation of the two-leader rule; or

- a repeated, continuous, or flagrant violation of any part of the Code of Conduct not referenced above or any part of BP&P.

4.2.3. The original complaint form must be submitted to National Office. See attached Complaint Form.

4.2.4. The Council Executive Director must provide a response to the complainant within 5 days as to what action has been or will be taken as a result of the complaint. The purpose of this update is to enable the complainant to determine whether he or she needs to escalate the complaint or independently file a police report.

4.2.5. An exemption to this procedure must be requested (section 3) in a case where there is a concern that the communication with the complainant might compromise a police or internal investigation or would involve disclosing private and confidential information.

4.2.6. If the incident concerns allegations or leads to suspicion of child abuse, violation of the Child Abuse Prevention policy (BP&P 7002), violation of the



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Bullying and Harassment policy (BP&P 7001), or a possible criminal act, the following steps must be taken:

- The Council Executive Director must immediately ensure that the appropriate child protection agency and police have been notified. If unsure whether to contact the authorities, the Council Executive Director must err on the side of caution and contact authorities, who can provide further direction on next steps or other agencies to contact.
- The Council Executive Director must forward a record of any communications with authorities to National Office as soon as possible. The record must state the following:
 - date and time of the contact;
 - name of the Scouts Canada member making the contact;
 - name of the person representing the authority;
 - if available, the record should include a summary of the authority's response, badge number, police contact information, case and file numbers;
- In the case of open legal proceedings, the Council Executive Director, in consultation with the Director of Child and Youth Safety, must assign an individual to attend court, collect all relevant information, and report to the National Office.
- The Director of Child and Youth Safety must follow up with the authorities, confirm full cooperation where possible, and gather available strategic details from the police.



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- The Director of Child and Youth Safety must review the information and inform the Executive Director of Marketing and Communication Services.
- The Executive Director of Marketing and Communication Services must review the information and prepare a Crisis Communication plan if required.
- The Director of Child and Youth Safety must provide a case summary to the Chief Commissioner, National Youth Commissioner, the Executive Commissioner & Chief Executive Officer, and the Deputy National Commissioner for Child and Youth Safety.

4.2.7. The suspended individual must be informed immediately verbally by the supervising Commissioner and in writing by the Council Commissioner with a letter that (a sample Suspension Letter is attached)

- informs him or her about the temporary suspension pending conclusion of the investigation;
- the suspension is a temporary measure to ensure the continued safety of our members pending conclusion of the investigation;
- the investigation will be concluded as expeditiously as effectively possible;
- pending the investigation's conclusion, the suspended individual must not represent himself or herself as a Scouts Canada member and is not to have contact with Scouts Canada's children or youth;



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- pending the investigation's conclusion, the suspended individual must abide by all suspension conditions (listed below);
- we will be informing the suspended individual's Group Commissioner, Area Commissioner, and necessary parents to effectuate the temporary no-contact request;
- there is support available for a suspended individual; and
- the possible outcomes of an investigation—lifting of the suspension, discipline, or termination.

4.2.8. A suspended member must not:

- participate in any activity connected with Scouts Canada whether youth members are present or not;
- participate as a parent in any activity connected with Scouts Canada;
- make contact with youth members in person or using any other means, unless the youth member and his or her parent(s)/guardian(s) understand that such contact between the suspended member and youth member is being made outside the context of their relationship outside Scouting;
- enter Scouts Canada premises, including those rented for Scouting activities,
- wear official Scouts Canada uniforms or badges;



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- represent himself or herself in a manner that would indicate he or she is a member of Scouts Canada.
- 4.2.9. The Council Executive Director is to promptly advise the Director of Child and Youth Safety about the suspension.
- 4.2.10. The Council Executive Director is to promptly advise the Area and Group Commissioners, or the Commissioner immediately superior to the suspended individual, about any suspension. A written communication of this notification must be documented and promptly sent to the National Office.
- 4.2.11. If the suspended individual is a volunteer within a Section, the remaining Section leadership team must be made aware that the subject is suspended and is not to have further contact with Scouting youth. It is the Council Executive Director's responsibility to follow up with the Group Commissioner and make sure that the leadership is aware about the suspension and that the suspended individual is in full compliance with the suspension conditions while under suspension. A confirmation must be promptly communicated to the National Office.
- 4.2.12. An exemption to this procedure must be requested (section 3) in a case where there is a concern that the communication with the leadership team might compromise a police or internal investigation or would involve disclosing private and confidential information.
- 4.2.13. If the suspended individual is a volunteer within a Section, the parents of all youth within the Section must be verbally made aware that the subject is suspended and is not to have further contact with Scouting youth. It is the Council Executive Director's responsibility to follow up with the Area and



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Group Commissioner and make sure that all parents are aware about the suspension. A confirmation must be promptly communicated to the National Office.

- 4.2.14. An exemption to this procedure must be requested (section 3) in a case where there is a concern that the communication with the parents might compromise a police or internal investigation or would involve disclosing private and confidential information.
- 4.2.15. The suspended individual must be offered an independent Scouting partner to act as a supporter. Refer to Procedure 13020.2, which details the process of supporting the person under suspension.
- 4.2.16. The suspended individual is to be coded in MyScouts by the National Office as "Suspended".
- 4.2.17. A temporary suspension will remain in effect until lifted in writing by the National Review Board. A temporary suspension will not normally exceed 90 days unless there are extenuating circumstances that warrant an extension of time specified by the investigating commissioner or Director of Child and Youth Safety, or where Scouts Canada is awaiting the outcome of a criminal investigation by police or other public authorities . Where an unusual circumstance exists, the Director of Child and Youth Safety may approve an extension. It is the responsibility of the Council Executive Director to request for an extension. The request must be submitted in writing to the Director of Child and Youth Safety 15 days prior to the 90 or 180 days deadlines. A suspension cannot be extended beyond 180 days without the written approval of the Executive Commissioner & Chief



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Executive Officer. Notwithstanding, suspensions will remain in effect until any related police investigations are completed.

4.3. Investigation

4.3.1. The investigation must be conducted in an expeditious manner.

4.3.2. In cases where there is an active police investigation, the Council Executive Director must get approval from the Director of Child and Youth Safety before proceeding with the internal investigation. Some conditions might be appropriate to prevent any interference with the police investigation.

4.3.3. An investigation must be conducted with considerable discretion and in a manner that will avoid undue prejudice and/or unnecessary disrepute to those concerned. Certainly confidentiality, impartiality, and fairness must be maintained throughout to the extent possible.

4.3.4. The Council Commissioner, in consultation with the Council Youth Commissioner and Council Executive Director, must appoint the most qualified investigation team.

4.3.5. In a case of a conflict of interest, such as where the Council Commissioner or an appointed investigator supervises the person being investigated, the Director of Child and Youth Safety will appoint the appropriate investigation team.

4.3.6. The investigators must document relevant facts and evidence including a written complaint against the subject; a description of the incident(s);



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names, addresses, and phone numbers of complainants' witnesses; places and statements or other official records; and significant particulars that will permit the proper completion of the "Confidential Information Form No. 91-150" attached.

- 4.3.7. The subject must be informed as soon as possible that the Council is investigating the complaint; the nature of the complaint(s) with appropriate particulars; and provide an opportunity for the subject to comment and respond to the same. The substance of any comment/response is to be recorded.
- 4.3.8. An exemption to this procedure must be requested (section 3) in a case where there is a concern that the communication with the subject might compromise a police or internal investigation or would involve disclosing private and confidential information.
- 4.3.9. The Council Executive Director must consult with the Director Child and Youth Safety on the cases where there is a request from the authorities not to communicate a complaint to the subject due to pending criminal or police proceedings. Scouts Canada will consider the request but will always act in a way that will protect the safety of the youth entrusted in our care.
- 4.3.10. The subject must be interviewed by the investigation team and must be provided with a reasonable opportunity to respond to any allegations.
- 4.3.11. Should the subject desire another person present during the interview, this request should be permitted. If the subject's legal counsel is present,



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Scouts Canada's legal counsel must also be present. If the Council cannot obtain legal counsel, one will be arranged by the National Office.

- 4.3.12. The investigators are not to turn over to the suspended individual any written material, the name(s) of the person(s) who filed the complaint(s), or the identity of any witness. Investigators should inform the subject and/or his or her representative that as a private organization Scouts Canada has a procedure to deal with complaints and that the investigators are following that procedure. The investigators may provide a written copy of this procedure if requested.
- 4.3.13. The results of the investigation must be conveyed in writing to the Director of Child and Youth Safety within 30 days of suspension (except in circumstances where it would be inappropriate because of pending criminal or police proceedings). These results should include recommendations on the action that should be taken together with any documents and evidence.
- 4.3.14. The Director of Child and Youth Safety must review the investigation and follow up with the Council Executive Director for any additional details or information required to complete the investigation before submitting for review by the National Review Board.

4.4. Review

- 4.4.1. Upon the completion of the investigation, the Director of Child and Youth Safety is to submit all relevant documents and associated recommendation to the National Review Board.



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4.4.2. The National Review Board will review the case and, within 30 days, advise the Director of Child and Youth Safety of its decision on whether to lift the suspension and whether the suspended individual is subject to any disciplinary action.

4.4.3. The Investigation Report and all relevant documents will be kept in strict confidence. They will not be provided to the complainant or the subject.

4.5. Reinstatement

4.5.1. If the Scouts Canada National Review Board mandates reinstatement, the Council Commissioner is to be immediately informed through the Council Executive Director and requested to inform the subject and his Supervising Commissioner depending on the subject's involvement.

4.5.2. If the subject is a volunteer at the section level, the leaders and parents of all youth in the related Sections must be made aware that the subject is now reinstated. It is the Council Executive Director's responsibility to follow up with the Area and Group Commissioners and make sure that all leaders and parents are aware about the reinstatement.

4.5.3. The subject to be reinstated must be informed immediately in writing by the Council Commissioner - see the attached Reinstatement Letter.

4.5.4. The Council Commissioner must inform the complainant about the final decision.

4.5.5. The MyScouts coding is to be removed for the reinstated individual by the National Office.



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4.6. Discipline

4.6.1. Incidents of non-compliance with the Code of Conduct that do not result in temporary suspension of membership may still result in disciplinary action implemented by the Council.

4.6.2. Verbal Reprimand

- The reprimand is given by the supervising commissioner and must address the area of concern;
- The volunteer must be given an opportunity to provide his or her version of the events;
- The Commissioner must take notes on the discussion that took place, as they may be needed if it is necessary to move on to the next step;
- The note on the discussion must be forwarded to the Council Executive Director for filing.

4.6.3. Written Warning

- The Council Commissioner, in consultation with the Council Youth Commissioner and Council Executive Director must send a letter identifying the gap between the desired behaviour/performance and the problematic behaviour/performance - see the attached Letter of Reprimand .



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- The Council Executive Director must send a copy of the signed warning letter to the Director of Child and Youth Safety. A copy will be placed in the volunteer's file.

4.6.4. In a case of a repeated non-compliance where discipline has been implemented and proved to be unsuccessful, the CED must submit a report to the Director of Child and Youth Safety recommending the termination of the membership.

4.6.5. The Director of Child and Youth Safety is to submit the report for the review by the National Review Board.

4.6.6. Termination

- If the Scouts Canada National Review Board mandates termination, the Council Commissioner is to be immediately informed through the Council Executive Director and requested to quickly inform the subject and the Supervising Commissioner depending on the suspended individual's involvement. It must be made clear to the subject that this termination applies in all of Canada and International Canadian groups.
- If the subject is a volunteer at the section level, the leaders and parents of all youth in the related Sections must be made aware that the subject is now terminated. It is the Council Executive Director's responsibility to follow up with the Area and Group Commissioners and make sure that all leaders and parents are aware of the termination.
- The subject to be terminated must be informed immediately in writing by the Council Commissioner - see the attached Termination Letter.



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- The Council Commissioner must inform the complainant about the final decision.

- The terminated individual, including an individual who is a parent or other relative of an active youth member, must not do the following:
 - participate in any activity connected with Scouts Canada whether youth members are present or not;

 - participate as a parent in any activity connected with Scouts Canada;

 - make contact with youth members in person or using any other means, unless the youth member and his or her parent(s)/guardian(s) understand that such contact between the suspended member and youth member is being made outside the context of their relationship outside Scouting;

 - enter Scouts Canada premises, including those rented for Scouting activities,

 - wear official Scouts Canada uniforms or badges;

 - represent himself or herself in a manner that would indicate he or she is a member of Scouts Canada.



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- Exemptions to these restrictions may be granted under 3.1 and 3.2.
- It is important to ensure that the terminated member be informed of the opportunity to appeal the decision.
- The terminated individual is to be coded in MyScouts by the National Office as *Terminated*.
- If a terminated individual applies for membership, it should be made clear in a firm manner that their services are not acceptable in any capacity in Scouts Canada. No reason need be given. If the process in this procedure has been carried out, the individual will be aware of the reason for non-acceptability.
- Files on the terminated individuals are to be maintained and archived at the National Office. All Council files must be forwarded to the National Office and local copies must be destroyed.

4.7. Appeal

4.7.1. A subject whose membership was terminated can appeal their situation once within a single 12-month period.

4.7.2. Appeals will not be granted to anyone that was charged or/and convicted of offences related to child abuse.



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4.7.3. Requests for appeal must be submitted in writing through the Council to the Director of Child and Youth Safety.

4.7.4. Appeals are considered by the Chief Commissioner, in consultation with the National Youth Commissioner, and the Executive Commissioner & Chief Executive Officer, and are to be accompanied by supporting documentation with respect to the initial termination and as to the present and recent past good behaviour of the person, community and organization involvement and any other information to justify a request for the reinstatement as a member of Scouts Canada.

4.7.5. The following shall be considered in the appeal process:

- The process followed with respect to the initial termination;
- Principles of natural justice;
- The opportunity provided to the subject to respond;

4.7.6. It is not contemplated that the appeal process will involve witnesses or testimony. Accordingly all testimony and representations must be in writing, i.e. by way of documentation and correspondence.

4.7.7. The Chief Commissioner in his absolute discretion reserves the right to seek additional information and/or documentation from the subject in appropriate circumstances; however, shall be under no obligation to do so.

4.7.8. Appeal decisions are to be communicated to subjects in writing at the earliest possible date.



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4.7.9. Appeal decisions made by the Chief Commissioner are final.

5. Definitions

- 5.1. Suspension – The temporary removal of a Scouts Canada member from the organization pending investigation and decision from the National Review Board.
- 5.2. Termination- The cancelation of an subject's membership in Scouts Canada

6. Attachments

- 6.1. Suspension letter
- 6.2. Termination letter
- 6.3. Reinstatement letter
- 6.4. Letter of Reprimand
- 6.5. Complaint form