

IN THE MATTER OF A DISCIPLINE HEARING PURSUANT TO THE MANITOBA FIVE PIN BOWLING  
FEDERATION DISCIPLINE AND COMPLAINTS POLICY BETWEEN:

Ms. Natalie Rodriguez Young

- as complainant

and

Mr. Sam Gelardi

- as respondent

In attendance

Complainant: Natalie Rodriguez Young

Discipline Panel: Kasia Kieloch (panel chair), Andrew McDonald, and Jim Kuslak

Witnesses for the Complainant: Shane Barry, Roland Flaig, Brandon Mansell, Lorne Sproule, and Kyle Young

Hearing Date: April 25, 2020

## **INTRODUCTION**

This discipline panel (“the Panel”) was appointed pursuant to the Manitoba Five Pin Bowling Federation Discipline and Complaints Policy (“the Policy”). The complainant submitted her letter of complaint on December 15, 2019. The complainant’s letter of complaint was not filed within 14 days of the alleged incident, as required under section 8 of the Policy, however, an exemption to the 14 day requirement was granted by the Manitoba Five Pin Bowling Federation under section 9 of the Policy.

Pursuant to section 12 of the Policy, Deanne Zilinsky was appointed as case manager to oversee the management and administration of the complaint. Pursuant to section 17 of the Policy, a discipline panel of three persons was appointed, and Kasia Kieloch was appointed by the case manager as the panel chair.

The complainant and respondent (“the parties”) provided copies of their complaint and response to the complaint, along with various attachments as appendices. Copies of the written documents from the parties were provided to all parties and panel members, through the case manager, in advance of the hearing pursuant to section 18 b) of the Policy. The parties provided documents related to a previous discipline hearing that was held by the Master Bowling Association of Manitoba (MBAM) under the Master Bowlers Association General Rules (“General Rules”). The Panel elected not to consider documentation from the parties that pertained to the previous discipline hearing as this discipline hearing was a new hearing pursuant to the Manitoba Five Pin Bowling Federation and had no connection to the previous hearing or decision.

Pursuant to section 18 c) of the Policy, parties may be accompanied by a representative or legal counsel. The respondent elected to be accompanied by legal counsel and was represented by Mira Bokhaut throughout the stages of preparation for the hearing, which included providing written materials, exchanging e-mail correspondence, and participating in telephone conferences with the panel members and complainant. The respondent and his legal counsel elected not to participate in the discipline hearing on April 25, 2020, which took place virtually over Zoom. The respondent's witnesses did not appear at the hearing either. The respondent was provided with notice, copies of written documents, and a tentative hearing schedule in advance of the hearing date. Pursuant to section 20 of the Policy, the hearing went ahead even though the respondent chose not to participate in the hearing.

### **BACKGROUND AND FACTS**

Manitoba's bowling community is tight-knit and small at the elite level. Bowling is considered a lifetime sport since all ages from three to ninety or older can participate at different skill levels. The bowling establishments in Manitoba cater to all skill levels, both elite and recreational. The sport of bowling in Manitoba is considered a "dying" sport at the elite level as it has had lowered numbers of players and coaches over time. There are a number of bowling organizations in Manitoba including the Manitoba Five Pin Bowling Federation (M5PBF), the Manitoba 5 Pin Bowler's Association of Manitoba (M5PBA), Youth Bowl Manitoba, which is a local branch of Youth Bowl Canada (YBC), and the Master Bowlers Association of Manitoba (MBAM). In addition, the Manitoba Ten Pin Federation and various regional five and ten pin bowling associations exist across Manitoba. In order to compete in any five pin national tournaments, the participant must hold a Canadian 5 Pin (C5) membership card that is renewable on an annual basis.

Many coaches in the bowling community take specialized training to become certified. There are a finite number of certified coaches in Manitoba who are selected to coach teams for high-level tournaments, especially tournaments at the provincial and national levels.

The complainant is a bowler in two elite level leagues in the City of Winnipeg, as well as a successful coach, having coached both YBC and MBAM teams at national championships. The teams that she has coached have medaled at each of those events. The complainant has also participated as a bowler in numerous Master Bowlers Association of Canada (MBAC) national championships, earning a team gold medal in 2016.

The respondent is an accomplished young bowler who has bowled since the age of three. He has represented Manitoba at ten YBC national tournaments. He has had a truly successful bowling career culminating in numerous team medal performances. After finishing his career in YBC, he began bowling in elite leagues in the City of Winnipeg. The respondent and complainant competed in some of the same elite leagues. The respondent also began and is currently bowling in the Western Canada Bowling Tour (WCBT), travelling to tournaments in various cities across western Canada.

In April 2019, the complainant was selected to coach the Manitoba Masters Tournament Men's Team, which competed at the 2019 Masters Nationals Championship tournament from June 29 to July 3, 2019 in Gatineau, Quebec. The respondent was a member of the Manitoba Masters Men's Team along with Geoff Born, Dwayne Gelardi, Brandon Mansell, Derek Orne, and Shane Barry. All members of the

Manitoba Masters Men's Team signed the MABM National Team Athlete/Coach Agreement and Code of Conduct (the "Code"). The Code lists requirements of athletes and coaches, including but not limited to acting in accordance with the MBAM General Rules, to be courteous to all attendees at the tournament, to demonstrate sportsmanship at all times, to be prepared to perform at the best of his/her ability, and to attend all National Championship functions.

### **COMPLAINANT'S POSITITON**

The complainant's formal letter of complaint, dated December 15, 2019, outlined allegations of incidents of harassment and bullying that the complainant claims that she faced from the respondent. The complainant's letter raised concerns pertaining to the MBAM's previous disciplinary action, and she was made aware that the Panel would not comment on or make any decisions pertaining to the previous disciplinary hearing. The claimant accepted that the panel would focus on the alleged conduct of the respondent and whether it violated the General Rules and the Code.

The complainant alleged violations of the General Rules and Code due to the respondent's conduct generally and in relation to the 2019 National Championship practices and tournament. The allegations relate to harassment, bullying, and misconduct that took place from the time that the complainant became the coach of the Manitoba Masters Tournament Men's Team in April 2019 until December 2019. The complainant claims that the respondent engaged in misconduct that violated the General Rules and the Code as follows:

- a) Open dissent of his position in the team lineup and objection to bowling behind specific members of the team;
  - i. June 2, 2019 practice at St. James Lanes
- b) Instigating arguments with team members;
  - i. Instigating an argument with Dwayne Gelardi during a June 19, 2019 practice at St. James Lanes
- c) Refusal to acknowledge or support teammates during gameplay and failure to show sportsmanship;
  - i. Refusing to high five at the complainant September 26, 2019 bowling games; and
  - ii. Providing plyers with custom bowling shirts at a September 29, 2019 tournament
- d) Failure to attend all MBAC Nationals events, including the opening ceremony on June 29, 2019
- e) Failure to attend team meeting or daily team reporting calls in a timely manner;
- f) Failure to be courteous to his coach and teammates;
  - i. Nationals tournament (June 29- July 3, 2019);
  - ii. The September 12, 2019 Dakota Lanes shouldering incident; and
  - iii. Telling the complainant to "F off"
- g) Failure to be ready to preform physically and mentally to the best of his abilities; and
- h) Failure to maintain confidentiality regarding this discipline hearing as required under section 29 of the Policy

The complainant did not identify a specific sanction that would be appropriate given the alleged actions of the respondent but identified that a suspension from participating in bowling tournaments may be a

reasonable option. The complainant did advise that she would like for the MBAM to develop a detailed anti-bullying and harassment policy that would outline sanctions for misconduct.

### **RESPONDENT'S POSITION**

The respondent provided his response to the complaint on January 16, 2020. The respondent denies that he has received a warning, discipline, or sanction prior to this complaint. The respondent cited the General Rules and types of warnings that can be issued to suggest that he has never received the warnings that are listed. The respondent distinguished between his conduct before and after the previous discipline hearing process took place and did not provide an explanation of some events related to the complaint before the Panel. The Panel explained to the respondent that the discipline hearing would cover allegations raised by the complainant from dates before and after the previous discipline hearing process. The Panel also explained to the respondent that the current discipline hearing process is a new and separate process from the previous discipline hearing.

The respondent has provided his position on the majority of the complainant's allegations. He did not address the allegation that he openly dissented his position in the team lineup and objection to bowling behind specific members of the team, particularly during a June 2, 2019 team practice at the St. James Lanes. The respondent did admit to instigating an argument with Dwayne Gelardi, his brother and teammate, at a June 19, 2019 practice at St. James Lanes. He also admitted to refusing to acknowledge or support teammates during gameplay and a failure to high five the complainant at set of bowling games on September 26, 2019. The respondent admits to providing custom bowling shirts with his name on them to other bowlers but denies that he violated any rules by doing so. The respondent denies that he failed to attend all MBAC Nationals events, including the opening ceremony on June 29, 2019. He did not address the allegation that he failed to attend team meetings or daily reporting calls in a timely manner. The respondent did not address the allegation that he failed to be courteous to his coach and teammates at the Nationals Championship and denied the alleged shouldering incident on September 12, 2019 at Dakota Lanes. The respondent also did not address the allegations that he failed to be ready to perform physically and mentally to the best of his abilities and that he failed to maintain confidentiality regarding this discipline hearing.

The respondent raised concerns about the two of the complainant's witnesses, Kyle Young and Lorne Sproule, because of their relationship with the complainant. Kyle Young is the husband of the complainant and was a coach of and mentor to the respondent. The Panel found Mr. Young's testimony during the hearing to be consistent with the claims of the respondent and information provided by other witnesses. The Panel took the relationship of Mr. Young into account and did not rely on any information exclusively provided by Mr. Young in making its decision.

Lorne Sproule has been a member of the Manitoba bowling community for over 40 years. He was the Technical Director of Coaching with the Manitoba Five Pin Bowling Federation and was a member of the MBAM. Mr. Sproule knows both the complainant and respondent. Mr. Sproule knows the complainant well through teaching her at public and private coaching clinics. Mr. Sproule has coached the respondent on and off since around 2013. Mr. Sproule knows the respondent's family and has spent time with them at their home, gone for dinner with the family, and received gifts from them. Mr. Sproule identified that any perception of bias that he may have would be in favour of the sport of

bowling itself as opposed to being biased in favour of either the complainant or respondent. The Panel found Mr. Sproule's testimony to be credible and consistent with information provided by other witnesses.

## **ISSUES**

The main questions to be asked are as follows:

1. Did the respondent violate the Code and/or General Rules through the following:
  - a. Openly dissenting his position in the team lineup and objecting to bowling behind specific members of the team;
  - b. Instigating arguments with team members;
  - c. Refusing to acknowledge or support teammates during gameplay and failure to show sportsmanship;
  - d. Failing to attend all MBAC Nationals events;
  - e. Failing to attend team meetings or daily team reporting calls in a timely manner;
  - f. Failing to be courteous to his coach and teammates;
  - g. Failing to be ready to preform physically and mentally to the best of his abilities; and
  - h. Failing to maintain confidentiality regarding this discipline hearing as required under section 29 of the Policy
  
2. If the respondent did violate the Code and/or General Rules, what sanction is appropriate?

## **ANALYSIS**

### **1. Did the respondent violate the Code?**

#### **a) Did the respondent openly dissent his position in the team lineup and objection to bowling behind specific members of the team?**

The complainant alleges that the respondent openly dissented his position on the national men's team lineup and objected to bowling behind specific members of his team, specifically during a June 2, 2019 practice at St. James Lanes. The complainant claimed that the respondent's dissent about his lineup position constituted conduct unbecoming of a Master Bowler because there were disruptive displays of negative emotions. The complainant testified that the respondent was not happy about being third in the team line up and that being third was a terrible position. The complainant also testified that the respondent's open dissent about the team lineup impacted the team during practices and that she had to alter the team lineup to a less favourable one in order to avoid further practice disruptions from the respondent.

Shane Barry, Brandon Mansell, and Kyle Young testified that the respondent was not content with his position in the lineup. Brandon Mansell testified that the respondent publicly stated that bowling in third was the worst place to be in a team lineup. Mr. Mansell testified that the complainant requested for him to bowl in third at a bowling tournament in Carman to accommodate the respondent and avoid

further negative comments from him. Shane Barry testified that the respondent was not content with bowling third in the lineup and that the complainant took steps to reason with the respondent about the lineup and ultimately made changes to the lineup to accommodate the respondent.

The respondent did not address this allegation in his materials. The Panel finds that the respondent was in breach of section 14 of the General Rules by demonstrating conduct unbecoming of a Master Bowler through openly dissenting his position in the team lineup.

**b) Did the respondent instigate arguments with team members?**

The complainant and respondent both agree that the respondent engaged in an argument with his brother and teammate during a practice on June 19, 2019 at St. James Lanes. Brandon Mansell testified that the respondent made negative comments throughout the June 19, 2019 practice about how he did not need to encourage his team members because he was only concerned about how he was bowling. Mr. Mansell testified that the respondent and his brother got into a heated argument over the respondent's comments.

In his response to the complaint, the respondent claimed that his brotherly dynamic with his brother is difficult to change when he is bowling. The respondent stated that he now understands that he is to act with maturity when bowling. Given the elite level that the respondent bowls at, he should have been aware of the need to act in a mature and respectful manner toward his coach and teammates. Instead, the respondent chose to engage in highly inappropriate behaviour that negatively impacted his coach and teammates. The Panel finds that the respondent violated section 14 of the General Rules by demonstrating inappropriate conduct by engaging in loud and disrupting display of negative emotions.

**c) Did the respondent refuse to acknowledge or support teammates during gameplay and fail to show sportsmanship?**

There are two specific events where the complainant alleged that the respondent refused to acknowledge or support teammates during gameplay and failed to show sportsmanship. The complainant suggests that the respondent violated the Code and General Rules on the following occasions:

- i. Refusing to high five the complainant at the September 26, 2019 bowling games;

The complainant alleges that the respondent refused to high five or acknowledge her during bowling games on September 26, 2019, where the complainant's team played four games directly against the respondent's team. The complainant testified that it is incredibly uncommon for a player to refuse to high five, fist bump, or acknowledge a teammate or opponent during a game. All of the complainant's witnesses testified that high fives and fist bumps were very common in bowling and that failing to acknowledge other bowlers is uncommon and unsportsmanlike. The respondent admitted to failing to high five the complainant on September 26, 2019. The respondent justified his behaviour by stating that giving a high five is a personal choice and is not mandatory.

The Panel takes note that the complainant, respondent, and witnesses all agree that high fiving, fist bumping, and acknowledging teammates and opponents is common in bowling. The Panel finds that these means of acknowledging others in the sport are expressions of sportsmanship. The respondent signed the Code and agreed that he would abide by its requirements, including the requirement to show

sportsmanship at all times. Although the General Rules do not specifically state that bowlers must high five and acknowledge each other, the respondent understands common behaviours and norms within bowling and admitted to not complying with them. The Panel does not want any single act of not high-fiving, first bumping, or acknowledging another teammate or opponent to constitute a violation of the Code that warrants sanction. The respondent could have chosen to acknowledge the complainant in another way, but did not acknowledge her when there would have been numerous occasions to do so throughout the four bowling games. The respondent's failure to acknowledge the complainant on September 26, 2019 demonstrated unsportsmanlike behaviour toward her, which is unbecoming behaviour of a member of the MBAM and a violation of the General Rules.

ii. September 29, 2019 tournament with custom shirts; and

The complainant and respondent agree that the respondent provided custom bowling shirts with his name on them to other bowlers at a tournament that took place on September 29, 2019 at Rossmere Lanes. Section 9 of the General Rules states that players can wear custom bowling shirts during provincial events. Because bowling shirts must have the MBAM crest on them, the MBAM requires players to submit custom shirt designs to the Board for approval before custom shirts are created. The complainant and respondent also agree that individuals wore bowling shirts with "Sam Gelardi" written on the back of them. The respondent identified that the individuals who wore custom bowling shirts with his name on them were Calvin Cline, Sam Hunt, and Shane Dutkowski.

The complainant testified that since the respondent was not a participant in the September 29, 2019 tournament, it was unusual for players in the tournament to wear shirts with the respondent's name on them. The complainant also testified that she understood that the players wore the respondent's custom bowling shirts out of protest related to the previous discipline hearing process. The respondent identified that he had extra custom shirts in his car and provided them to the players to assist them. The players who borrowed the shirts did not have bowling shirts of their own and wanted to borrow shirts from someone of similar size so that they could avoid wearing collared work shirts with a pinned MBAM logo on them. The respondent identified that he did not intend to upset, bully, harass, or target anyone by providing custom shirts with his name on them to other bowlers.

The respondent correctly identified that the General Rules require players to wear collared shirts. He did not acknowledge in his response to the complaint that custom bowling shirts require MBAM Board approval before they are worn. The respondent provided no proof that that he received approval before wearing his custom shirts at a tournament.

The complainant and her witnesses testified that wearing custom bowling shirts with a bowler's name on them was very uncommon. Lorne Sproule testified that it was not unprecedented for bowlers to wear custom bowling shirts at tournaments, but that approval from the MBAM was required prior to wearing the shirts at tournaments. Mr. Sproule testified that he had direct knowledge that the respondent did not receive MBAM Board approval of his custom bowling shirts and that the respondent violated the General Rules.

The Panel finds that there is inconclusive evidence surrounding the purpose of the respondent's custom shirts being worn at the tournament and whether there is a link to unsportsmanlike behaviour. The Panel does find that due to witness evidence pointing to a lack of MBAM Board approval of the custom

bowling shirts and a lack of evidence of approval of the shirts that the respondent violated the General Rules. Due to the lack of information from the respondent surrounding whether approval was obtained for the custom shirts, the Panel agrees that the violation of the General Rules may not have been planned or a conscious act directed at the complainant. The respondent is warned of the need to receive MBAM approval for custom bowling shirts through this decision.

**d) Did the respondent fail to attend all MBAC Nationals events?**

The complainant alleges that the respondent violated the Code by failing to attend all of the 2019 MBAC Nationals events (“Nationals”), including the opening ceremonies. It is a requirement under the Code for players to attend all Nationals events. The complainant documented the respondent’s absence at the opening ceremonies in her coach’s report and supplementary coach’s report that were attached as appendices to her letter of complaint. The complainant alleges that the respondent was drinking in a tent beside the opening ceremonies tent prior to the opening ceremony and failed to join his team despite the complainant’s multiple requests. Brandon Mansell testified that the respondent did not attend the opening ceremonies and would not listen to his requests to join the team. The respondent claims that he did not miss the opening ceremony. The respondent claims that he had a statement of a bowler who could confirm that he had attended the opening ceremonies but did not provide the statement. The Panel finds the complainant’s coach’s reports to be reliable because they were written immediately after Nationals and were not written in contemplation of this discipline hearing.

Although the respondent may have been near the opening ceremonies tent at Nationals, the Panel finds that based on the evidence provided, the respondent violated the Code by not attending the opening ceremonies in their entirety. Even if the respondent had attended part of the opening ceremonies, he would not have attended the entirety of the event. The respondent demonstrated a lack of sportsmanship by not listening to the complainant’s requests to join the team in the tent before the opening ceremonies.

**e) Did the respondent fail to attend team meetings or daily team reporting calls in a timely manner?**

The complainant alleges that the respondent failed to attend team meetings or daily team reports calls relating to Nationals in a timely manner. The Code requires players to attend all functions related to Nationals, which includes practices in their entirety. In her coach’s report and supplementary coach’s report, the complainant indicated that the respondent walked out of practices without providing an explanation to his teammates or the complainant on June 2 and 25, 2019. The respondent did not address this allegation in his response. The Panel has no reason to find that the complainant misrepresented the fact that the respondent left practices early. The Panel finds that the respondent violated the Code by not attending all functions relating to Nationals or justifying leaving the practices early. The Panel also finds that the respondent’s conduct related to leaving practices early was unsportsmanlike and in violation of the Code and General Rules.

**f) Did the respondent fail to be courteous to his coach and teammates?**

The complainant alleged that the respondent failed to be courteous to his coach and teammates generally, but also identified two specific incidents where the respondent's conduct was in violation of the Code and General Rules:

i. Nationals tournament (June 29- July 3, 2019)

The complainant alleges that the respondent failed to be courteous to his coach and teammates throughout practices and at Nationals. The Code and General Rules require players to act ethically and in a sportsmanlike manner. The complainant wrote in her supplemental coach's report that the respondent had a disrespectful attitude, turned his back on her, rolled his eyes at her, sighed out loud when she spoke, and walked off when she spoke to him. All of the witnesses testified that the complainant had developed a bad attitude and failed to be courteous towards the complainant throughout practices and at Nationals. As written above, the respondent has acknowledged that he has not been courteous towards the complainant in the past by failing to high five her or acknowledge her. The Panel finds that the respondent failed to be courteous towards the complainant and violated the Code and General Rules.

ii. The September 12, 2019 Dakota Lanes shouldering incident

The complainant alleges that she was shouldered twice by the respondent at a September 12, 2019 Dakota Lanes event as he walked past her through the seating area behind the pit, which is a violation of the General Rules. This incident was witnessed by Kyle Young, who claimed that the respondent made clear eye contact with the complainant when he shouldered her. The respondent denies that he shouldered the complainant. There was no other witness evidence about this event for the Panel to assess.

While the Panel accepts Mr. Young as a credible witness, it recognizes the danger of relying on his testimony exclusively in finding truth in this allegation. The Panel would like to make abundantly clear that it sees no space for this or any type of physical violence within the sport of bowling or anywhere in society. The Panel condemns actions like this in the strongest way possible and believes that acts of physical intimidation and violence should be punished in the harshest way possible. The Panel is reluctant to find that the respondent had in fact shouldered the complainant based solely on the testimony of the complainant and Mr. Young. At this time the Panel would like to reiterate that there needs to a strict "zero-tolerance" policy for acts of violence or intimidation within sport.

iii. Telling the complainant to "F off"

The complainant alleges that the respondent told her to "F\*\*k off" on July 3<sup>rd</sup>, 2019, which was the final day of competition at Nationals. Swearing is not permitted under section 14 of the General Rules. Kyle Young testified that he heard the respondent make the alleged statement to the complainant. The respondent claims in his written statement that he did not make the alleged statement to the complainant and had said the statement to himself because he was carrying several players' bags and one of them slipped off his shoulder and caused his headphones to come out. Mr. Young testified that the respondent was not carrying bags at the time that he made the alleged statement.

Regardless of the context for the swearing, both the complainant and respondent acknowledged that the respondent swore. Although the Panel cannot know for certain whether the statement was directly targeted toward the complainant in an unsportsmanlike manner, the intention of the swearing does not change the fact that it occurred. The Panel finds that the respondent did violate the General Rules by swearing.

**g) Did the respondent fail to be ready to perform physically and mentally at the best of his abilities?**

The complainant alleges that the respondent was not ready to perform physically and mentally at the best of his abilities on various occasions. Under the Code, being ready to perform physically and mentally at the best of one's abilities is the athlete's first responsibility. Some of the incidents that were discussed above include the respondent instigating a fight with his brother on June 19, 2019 and having a generally negative attitude at team practices. All of the complainant's witnesses testified that the respondent did not have a good attitude at practices and events related to the 2019 Nationals Championship. The Panel finds that it has already addressed allegations that cover the respondent's failure to be ready to perform at the best of his abilities at practices and events related to the 2019 Nationals and that the respondent violated the Code.

**h) Did the respondent fail to maintain confidentiality regarding this discipline hearing as required under section 29 of the Policy?**

The complainant alleges that the respondent failed to maintain confidentiality regarding this discipline hearing as required under section 29 of the Policy. Section 29 states:

The discipline and complaints process is confidential and involves only the parties, the case manager, the discipline panel and any independent advisors to the discipline panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

The respondent did not address this allegation directly in his response to the complaint, but he provided appendices with correspondence regarding this discipline hearing. The respondent included his parents and MBAM Board members in correspondence related to the discipline hearing on numerous occasions, and his mother sent correspondence to the case manager regarding the dispute. While the Panel appreciates that individuals such as family members of the parties may have become aware that a discipline hearing was taking place, it was not appropriate for the respondent to include individuals who were not parties to the dispute, panel members, counsel, a representative of a party, or the case manager in correspondence relating to the discipline hearing. The respondent is of legal age and did not specify that his family members were acting as his personal representatives, which is an option under the Policy. The Panel is also aware that the respondent's father came to the case manager's office to demand information about the discipline hearing. The case manager did not provide information to the respondent's father because of the requirement to maintain confidentiality. While the Panel acknowledges that the respondent was eager to obtain more information about the discipline hearing, the respondent did not maintain confidentiality and violated section 29 of the Policy.

## **SANCTION**

### **2. If the respondent violated the Code and/or Rules, what sanction is appropriate?**

Given that the Panel has determined that the respondent violated the Code and General Rules on various occasions, a sanction is necessary. During the hearing, Mr. Sproule testified that sanctions have been issued to bowlers in other provinces. Mr. Sproule described instances where bowlers have been suspended from bowling for a range of one to three years.

During the hearing, the Panel heard about the extent of the effect of the respondent's conduct on the complainant. The complainant has developed serious medical complications that require her to take medication and has suffered emotionally and psychologically from the respondent's actions. The complainant has sought counselling to address her mental health and suffers from anxiety and insomnia. The complainant was hospitalized due to cardiac health concerns and is under the supervision of a cardiac specialist as a result of the stress and emotional and psychological impact of the respondent's conduct. The complainant also testified that she can no longer maintain her routine of attending the gym several times per week to work out because doing so is no longer safe to do so with her health concerns.

The Panel would like to acknowledge that the dispute has impacted both parties, their family members, and the bowling community at large. The focus of a sanction is to address the harm that the respondent has caused to the complainant through his actions. A sanction will not address the conduct of other bowlers, family members, and members of the bowling community who have been involved in the dispute directly or indirectly.

The Panel has assessed the magnitude of the violations arising from the respondent's conduct. The Panel is not convinced that the respondent appreciates the impact that his actions have had on the complainant. The Panel finds that the respondent does not appreciate the responsibility that bowlers take on to follow rules and codes of conduct at practices and when they represent their province and country at provincial and national tournaments.

The Panel has chosen to impose a cumulative sanction that addresses the violations together. The Panel is of the opinion that a suspension from bowling at or participating in provincial and national tournaments for one entire season is warranted. Given the current suspension of bowling due to COVID-19, the suspension would commence at the beginning of the nearest future bowling season. The Panel does not want to deter the respondent from participating in bowling altogether but agrees that a suspension from provincial and national level tournaments is necessary.

The Panel is also of the opinion that a probationary period should be in place after the suspension to ensure the respondent's compliance with the General Rules and the Code in the future. The probationary period will commence during the season following the respondent's suspension and will require him to avoid written warnings from a coach or bowling association or sanction arising from a hearing. If the respondent receives a written warning or sanction from a coach, bowling association, or disciplinary hearing during the probationary period, he will become suspended from bowling at provincial or national level tournaments for the remainder of that bowling season.

The Panel agrees that the bowling community would benefit from its organizations, such as the MBAM and Five Pin Bowling Association of Manitoba, from implementing an anti-harassment and bullying

policy. Such a policy could define and outline forms of harassment and bullying that will not be tolerated within the bowling community and discuss dispute resolution processes and sanctions that may be available when the policy is violated. The Panel strongly suggests that such a policy should be implemented immediately to address violations and prevent conflicts between members of the community from building up over time. The Panel recognizes that its jurisdiction for this discipline hearing does not cover bowling associations in Manitoba. The Panel hopes that this recommendation will assist the bowling community and prevent future disputes.

## **CONCLUSION**

The Panel has worked hard to ensure that the parties were given an opportunity to explain and respond to the complainant's allegations. The Panel carefully considered the written documentation provided by the parties and balanced the reliability and weight to be given to the evidence provided. The Panel extended the opportunity for both parties to call as many witnesses as they deemed necessary to speak to the complainant's allegations. The parties were given ample notice of the hearing and deadlines in preparation of the hearing. The parties were also consulted in designing the format of the hearing to ensure that they felt comfortable throughout the hearing. The Panel has carefully considered the evidence provided by the witnesses and considered the respondent's concerns about the complainant's witnesses.

The Panel finds that the respondent has violated the Code and General Rules on numerous occasions. The complainant clearly demonstrated and explained the allegations in her letter of complaint and her witnesses provided consistent and reliable evidence. The Panel finds that the respondent had blatant disregard for the Code and General Rules. The respondent's actions had a severe impact on the complainant. The Panel wants to ensure that its sanction signals to the bowling community that unsportsmanlike behaviour, harassment, and bullying will not be tolerated in the sport of bowling. The respondent is sanctioned to a one season suspension from bowling or otherwise participating in provincial or national tournaments. The one season suspension commences at the beginning of the next new bowling season. After the one season suspension concludes, the respondent will be subject to a one season probationary period for the following bowling season. If the respondent receives a written sanction or penalty from a coach, bowling association, or discipline hearing during the one year probationary period, the respondent will be suspended for the remainder of the probationary season.

Dated May 8, 2020

Signed in Winnipeg, Manitoba by:



Kasia Kieloch



Jim Kuslak



Andrew McDonald