

SPECIAL OLYMPICS CANADA

SAFE SPORT POLICIES

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Special Olympics Canada

Statement on Safe Sport

Special Olympics Canada (“SOC”) has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Canadian Special Olympics sport community.

SOC takes situations involving misconduct or *Maltreatment* very seriously. For this reason, SOC is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or *Maltreatment*.

SOC’s policies are intended to promote a Safe Sport environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise. They are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

To this end, SOC has adopted the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* as part of the organization’s conduct standard.

Should anyone wish to report an incident or concern about misconduct or *Prohibited Behaviour* by anyone associated with SOC, including, but not limited to, *Athletes*, participants, coaches, officials, *Volunteers*, and parents/guardians of *Athletes*, they may do so directly through the identified pathway identified below or through the applicable channels as established by statute.

SOC makes the following commitments to a sport environment free from misconduct and *Prohibited Behaviour*:

- a) All participants in sport can expect to play, practice, and compete, work, and interact in an environment free from *Maltreatment*.
- b) Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all participants, broader sport community, sport club administrators and organization leaders.
- c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other participants.
- d) Adult participants have a specific ethical and statutory duty and the additional responsibility to respond to incidents of *Maltreatment* involving *Minors* and other *Vulnerable Participants*.
- e) All participants recognize that *Maltreatment* can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to

experiences of *Maltreatment*.

- f) All participants recognize that individuals who have experienced *Maltreatment* may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
- g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.
- h) Individuals affiliated with SOC will complete appropriate mandatory training on preventing and addressing *Harassment* and abuse.
- i) In recognition of the historic vulnerability to discrimination and violence amongst some groups, which persists today, participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

Definitions

Terms in this policy are defined as follows:

- a) **Affected Party**¹ – any individual or entity, as determined by the *Appeal Manager*, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.
- b) **Alternative Dispute Resolution (ADR)** – a voluntary and flexible process for addressing disputes outside of formal adjudication, and can include a variety of methods, such as mediation or facilitated conversations. The process may lead to a settlement agreement and is intended to reduce the uncertainty, costs, and other challenges associated with investigations, hearings, and appeals.
- c) **Appeal Manager** – an individual, who may be any staff member, committee member, director, or an *Independent Third Party*, who is appointed to oversee the *Appeal Policy*. The *Appeal Manager* will have responsibilities that include using decision making authority empowered by the *Appeal Policy*. This individual must not have had any prior involvement with the matter under appeal or have a direct relationship with any of the *Parties*.
- d) **Appeal Panel** – a single person to hear and decide the appeal or at the discretion of the Case Manager, three individuals may be appointed to hear and decide the complaint.
- e) **Appellant** – the *Party* appealing a decision.
- f) **Athlete** – an individual who is an *Athlete* participant in SOC who is subject to the policies of SOC and to the *Code of Conduct and Ethics*
- g) **Board** – The Board of Directors of SOC.
- h) **Bullying** – offensive behaviour and/or abusive treatment of an *Organizational Participant* that typically, but not always, involves an abuse of power.
- i) **Canadian Anti-Doping Program (CADP)** – The CADP is a set of rules that govern doping control in Canada. The CADP can be viewed [here](#). The 2021 CADP came into effect on January 1, 2021.
- j) **Canadian Safe Sport Program (CSSP)** – program created by the *SIC* in accordance with its mandate to independently administer and enforce the *UCCMS* for *CSSP Sport Organizations* as defined in the *CSSP Rules*.
- k) **Chapter** – The Provincial/Territorial organization (PTSO) recognized by Special Olympics

¹ Throughout this document, a word or expression in the singular indicates the plural, and a word or expression in the plural includes the singular.

Canada to govern Special Olympics within their applicable Province/Territory.

- l) **Code** – the *Code of Conduct and Ethics*.
- m) **Commercial Activity** – any particular transaction, act or conduct that is of a commercial character.
- n) **Complainant** – an *Organizational Participant* who makes a report of an incident, or a suspected incident, of alleged *Maltreatment, Prohibited Behaviour* or other misconduct that may be a violation of the standards described in SOC’s policies, by-laws, rules or regulations, or the *UCCMS*.
- o) **Criminal Record Check (CRC)** – a search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
- p) **CSSP Consent Form** – an agreement regarding the administration and enforcement of the *UCCMS* and *CSSP Rules* that must be signed by every *CSSP Participant* subject to the *CSSP* as a condition for participation with the *CSSP Sport Organization*. It is in force at any time (including without limitation, pursuant to consent provided during a previously signed agreement between a signatory to the Abuse-Free Sport Program and the *SDRCC*).
- q) **CSSP Participant** – an individual affiliated with a *CSSP Sport Organization*, has been defined by the *CSSP Rules*, including signing a *CSSP Consent Form* and is therefore subject to the *CSSP Rules*. *CSSP Participants* may include an *Athlete*, a coach, a *Board* member, an official, *Athlete Support Personnel*, an employee, a *Worker*, an administrator, or a *Volunteer* acting on behalf of or representing a *CSSP Sport Organization* in any capacity.
- r) **CSSP Sport Organization** – a national level sport organization that has adopted the *CSSP* and has retained the services of the *SIC* for the *CSSP*.
- s) **Days** – calendar days²
- t) **Director of Sanctions and Outcomes** – responsible for overseeing the imposition of *Provisional Measures*, agreed outcomes, sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of

² For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an individual receives a decision on Thursday December 17, 20XX, the 14-day deadline to appeal this decision starts on Friday December 18, 20XX and would expire on Friday January 1, 20XY. However, since January 1, 20XY, is a legal holiday, January 2, 20XY is a Saturday, and January 3, 20XY is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 20XY.

the *UCCMS* (or other conduct rules, as applicable)

- u) **Diversity** – the presence and integration of a variety of individuals with different personal characteristics, particularly Under-Represented Groups, in a group or organization
- v) **Enhanced Policy Information Check (E-PIC)** – a *Criminal Record Check* plus a search of *Local Police Information*
- w) **Executive Director** – The most senior staff person with SOC.
- x) **External Discipline Panel** – a panel of one or three individuals who are appointed by the *Independent Third Party* to decide on complaints that are assessed under the UCCMS Process of this policy.
- y) **Fair Play Officer** – an individual appointed by SOC to decide on complaints that are assessed under the Fair Play Process of this policy. The *Fair Play Officer* may be a director, head coach, staff member, or other individual affiliated with SOC but must not be in a conflict of interest or have a direct relationship with any of the *Parties*.
- z) **Governing Documents** – SOC or a *Chapter's* bylaws, policies, procedures, rules or regulations.
- aa) **Harass or Harassment** – a course of vexatious comments or conduct against an *Organizational Participant* or group, which is known or ought reasonably to be known to be unwelcome. Harassing behaviours may also be *Maltreatment*. Types of behaviour that constitute *Harassment* include, but are not limited to:
 - i. written or verbal abuse, threats, or outbursts;
 - ii. the display of visual material which is offensive or which one ought to know is offensive;
 - iii. unwelcome remarks, jokes, comments, innuendo, or taunts;
 - iv. leering or other suggestive or obscene gestures;
 - v. condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - vi. practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - vii. any form of hazing;
 - viii. unwanted physical contact including, but not limited to, touching, petting, pinching,

- or kissing;
 - ix. unwelcome sexual flirtations, advances, requests, or invitations;
 - x. physical or sexual assault;
 - xi. behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment; and/or
 - xii. retaliation or threats of retaliation against an individual who reports *Harassment*.
- bb) **Inclusion** – acceptance of individuals with diverse personal characteristics into a group or organization regardless of those characteristics
 - cc) **Independent Third Party** – the individual retained by SOC to receive reports and complaints, and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy*, *Investigations Policy* and *Appeal Policy*, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the *Parties*.
 - dd) **IP Address** – a numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices
 - ee) **Local Police Information (LPI)** – additional conviction and selected non- conviction information in national and local police data sources which may be relevant to the position sought
 - ff) **Maltreatment** – as defined in the *UCCMS*
 - gg) **Minor** – as defined in the *UCCMS*
 - hh) **Organizational Participant(s)** – refers to all categories of individual members as defined in the by-laws of SOC who are subject to the policies, rules and regulations of SOC, as well as all persons employed by, contracted by, or engaged in activities with, SOC including, but not limited to, employees, contractors, *Athletes*, coaches, instructors, officials, judges, *Volunteers*, managers, administrators, committee members, parents or guardians, spectators, or directors and officers
 - ii) **Other Individual Subject to the CSSP** – an individual who is not defined as a *CSSP Participant* and is otherwise subject to the *CSSP* according to the *CSSP Rules*.
 - jj) **Party or Parties** – the individual(s) involved in a dispute
 - kk) **Person in Authority** – any *Organizational Participant* who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials,

managers, *Volunteers*, chaperones, committee members, or directors and officers

- ll) **Personal Information** – any information about an individual that relates to the person’s personal characteristics including, but not limited to gender, age, income, home address or phone number, ethnic background, family status, health history, and health conditions
- ii) **Power Imbalance** – as defined in the *UCCMS*
- jj) **Program Signatory** – an organization who has signed a *Program Signatory Agreement* with the SDRCC
- kk) **Prohibited Behaviour** – as defined in the *UCCMS*
- ll) **Provisional Measure** – means that the *Organizational Participant* is barred temporarily from participating in in any capacity in any *Sanctioned Event* or activity of SOC and its *Chapters*, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a final outcome
- mm) **Representatives** – members, directors, officers, committee members, employees, *Athletes*, coaches, officials, sport assistants, managers, trainers, *Volunteers*, administrators, contractors and participants within Special Olympics Canada (“SOC”)
- nn) **Respondent** – the *Party* responding to the complaint
- oo) **Sanctioned Event** – an event that is run, organized or overseen by SOC or an accredited Chapter, which may also include social activities
- pp) **Sport Integrity Canada (SIC)** – the independent, national, not-for-profit, multi-sport organization with a focus on the integrity issues of safe sport, anti-doping, and competition manipulation, including the *CSSP* for all *CSSP Sport Organizations* at the national level that adopt the *CSSP*
- qq) **Social Media** – the catch-all term that is applied broadly to new computer- mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter
- rr) **UCCMS** - *Universal Code of Conduct to prevent and Address Maltreatment in Sport*, as amended from time to time.
- ss) **Under-Represented Groups** – includes women, individuals who identify as Black, Indigenous, or people of colour (BIPOC), children in low-income families, seniors, people with disabilities, newcomers to Canada, and members of the 2sLGBTQ+ community
- tt) **Volunteer** – any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other person working with, treating or assisting an *Athlete* participating in or preparing for sports competition.

- uu) ***Vulnerable Participant*** or ***Vulnerable Organizational Participant*** – as defined in the *UCCMS*
- vv) ***Vulnerable Sector Check (VSC)*** – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, *Local Police Information*, and the Pardoned Sex Offender database
- ww) ***Worker*** – any person who performs work for SOC including employees, managers, supervisors, temporary Workers, *Volunteers*, student *Volunteers*, part-time Workers, the *Board* of Directors, and independent contractor
- xx) ***Workplace*** – any place where business or work-related activities are conducted. *Workplaces* include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions.
- yy) ***Workplace Harassment*** – a course of vexatious comment or conduct against a *Worker* in a *Workplace* that is known or ought reasonably to be known to be unwelcome. *Workplace Harassment* should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for *Workplace* infractions.
- zz) ***Workplace Violence*** – the use of or threat of physical force by a person against a *Worker* in a *Workplace* that causes or could cause physical injury to the *Worker*; an attempt to exercise physical force against a *Worker* in a *Workplace* that could cause physical injury to the *Worker*; or a statement or behaviour that it is reasonable for a *Worker* to interpret as a threat to exercise physical force against the *Worker* in a *Workplace* that could cause physical injury to the *Worker*
- aaa) ***World Anti-Doping Agency (WADA)*** – an independent, international, not- for-profit organization responsible for administering the *World Anti-Doping Code* and the promotion of clean sport internationally
- bbb) ***World Anti-Doping Code (WADC)*** – set of rules that govern doping control internationally. The full policy can be viewed [here](#).

Code of Conduct and Ethics

SOC has adopted the [Universal Code of Conduct to Prevent and Address Maltreatment in Sport \(UCCMS\)](#), as amended from time to time, which shall be incorporated into the Code by reference as if set out in full.

Any modifications or amendments made to the UCCMS by the relevant functions of the SIC shall come into effect immediately upon their adoption and automatically without the need for any further action by SOC.

It is important to note that the Code applies to all Organizational Participants, **but not all Organizational Participants are CSSP Participants** and subject to the CSSP under the CSSP Rules.

Purpose

1. The purpose of the Code is to ensure a safe and positive environment within the programs, business, activities, and *Sanctioned Events* of SOC by making all *Organizational Participants* aware that there is an expectation, at all times, of appropriate behaviour consistent with SOC's core values, mission and policies.
2. SOC supports equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

Application of this Code

3. The Code applies to any *Organizational Participant's* conduct during SOC programs, business, activities, and *Sanctioned Events* including, but not limited to competitions, practices, evaluations, treatment, or consultations (i.e., massage therapy), training camps, travel associated with SOC or its *Chapter's* organizational activities, the office environment, and any meetings.
4. The Code also applies to *Organizational Participants'* conduct outside of SOC programs, business, activities, and *Sanctioned Events* when such conduct adversely affects SOC's relationships (and the work and sport environment) or is detrimental to the image and reputation of SOC. Such applicability will be determined by SOC, as applicable, at its sole discretion.
5. In addition, the Code will apply to breaches that occur when the *Organizational Participants* involved interact due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the *Organizational Participant(s)*.
6. The Code applies to *Organizational Participants* active in SOC or who have retired or left SOC where any claim regarding a potential breach of the Code occurred when the *Organizational Participants* were active in SOC.

Prohibited Behaviours

7. All *Organizational Participants* must refrain from any behaviour that constitutes *Prohibited Behaviour* as defined by the *UCCMS* and the *Code*.
8. *Organizational Participants* are responsible for knowing what actions or behaviours constitute *Prohibited Behaviours* and *Maltreatment*.
9. *Prohibited Behaviours* under the *UCCMS* include, but are not limited to:
 - a) *Physical Maltreatment*
 - b) *Psychological Maltreatment*
 - c) *Neglect*
 - d) *Sexual Maltreatment*
 - e) *Grooming*
 - f) *Boundary Transgressions*
 - g) *Subjecting to the Risk of Maltreatment*
 - h) *Discrimination*
 - i) *Failing to Report*
 - j) *Aiding and Abetting*
 - k) *Retaliation*
 - l) *Interference with or Manipulation of Process*
 - m) *False Reports*

In addition to the *Prohibited Behaviours* as defined by the *UCCMS* in Appendix “A”, the *Code* sets out other expected standards of behaviour and conduct for all *Organizational Participants* and any failure to respect these expected standards of behaviour by an *Organizational Participants* may constitute a breach of the *Code*. In addition, the following behaviours also constitute breaches of the *Code*:

- a) *Bullying*
- b) *Harassment*
- c) *Workplace Harassment*
- d) *Workplace Violence*

Responsibilities of all Organizational Participants

10. All *Organizational Participants* have a responsibility to:

- a) refrain from any behaviour that constitutes *Maltreatment* and *Prohibited Behaviour* under the *Code*, the *UCCMS* and other conduct policies established by SOC;
- b) maintain and enhance the dignity and self-esteem of other *Organizational Participants* by:
 - i. treating each other with the highest standards of respect and integrity;
 - ii. focusing comments or criticism appropriately and avoiding public criticism of *Athletes*, coaches, officials, organizers, *Volunteers*, employees, or other *Organizational Participants*;
 - iii. consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
 - iv. consistently treating individuals fairly and reasonably; and
 - v. ensuring adherence to the rules of the sport and the spirit of those rules.
- c) refrain from the use of power or authority to coerce another person to engage in inappropriate activities;
- d) refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or *Sanctioned Events* of SOC or its *Chapters* (as applicable);
- e) in the case of *Minors*, not consume alcohol, tobacco, or cannabis at any competition or *Sanctioned Event*;
- f) in the case of individuals who are not *Minors*, not consume cannabis in the *Workplace* or in any situation associated with the *Sanctioned Events* of SOC or its *Chapters* (as applicable (subject to protections under applicable human rights legislation)), not consume alcohol during *Sanctioned Events*, training, competitions, or in situations where *Minors* are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations;
- g) when driving a vehicle:
 - i. have a valid driver's license;
 - ii. not be under the influence of alcohol or illegal drugs or substances;
 - iii. have valid car insurance; and

- iv. refrain from engaging in any activity that would constitute distracted driving.
- h) respect the property of others and not wilfully cause damage;
- i) promote sport in the most constructive and positive manner possible;
- j) refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a competition and/or not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition. A benefit includes the direct or indirect receipt of money or other anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages;
- k) refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a division and/or not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a division. A benefit includes the direct or indirect receipt of money or other anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages
- l) adhere to all applicable federal, provincial/territorial, municipal and host country laws; and
- m) comply, at all times, with the By-laws, policies, procedures, and rules and regulations of SOC, as applicable and as adopted and amended from time to time.

Directors, Committee Members, and Staff

11. In addition to section 10 (above), directors, committee members, and staff of SOC have additional responsibilities to:
 - a) function primarily as a director, committee member or staff member of SOC and ensure to prioritize their loyalty to SOC (and not to any other organization or group) while acting in this role. Certain obligations, such as confidentiality, continue after the end of a term or employment;
 - b) act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of an *Organizational Participant's* confidence;
 - c) ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
 - d) comply with their obligations under the Screening Policy, including understanding ongoing expectations under the Screening Policy and fully cooperating in the screening process;
 - e) conduct themselves openly, professionally, lawfully and in good faith;

- f) be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism influence their decision-making on behalf of SOC;
- g) exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws;
- h) maintain required confidentiality of organizational information;
- i) commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings; and
- j) have a thorough knowledge and understanding of all governance documents.

Volunteers

- 12. In addition to section 10 (above), *Volunteers* have many additional responsibilities.
- 13. *Volunteers* must understand and respect the inherent *Power Imbalance* that exists in their relationship and must not abuse it, either consciously or unconsciously.
- 14. *Volunteers* will:
 - a) avoid any behaviour that abuses the *Power Imbalance* inherent in the coaching position of the *Volunteers*, if the *Volunteer* is acting as a coach;
 - b) ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the *Athletes*;
 - c) prepare *Athletes* systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm *Athletes*;
 - d) avoid compromising the present and future health of *Athletes* by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of *Athletes'* medical and psychological treatments;
 - e) support the other *Volunteers* of a training camp, provincial/territorial team, or national team should an *Athlete* qualify for participation with one of these programs;
 - f) comply with all established responsibilities and obligations as set out by the *Volunteer's* professional governing association or order, if any;
 - g) accept and promote *Athletes'* personal goals and refer *Athletes* to other coaches and sport specialists as appropriate;

- h) provide *Athletes* (and the parents/guardians of *Minor Athletes*) with the information necessary to be involved in the decisions that affect the *Athlete*;
- i) act in the best interest of the *Athlete's* development as a whole person;
- j) comply with their obligations under the Screening Policy, including understanding ongoing expectations under this policy and fully cooperating in the screening process;
- k) under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of *Minors*, alcohol, cannabis, and/or tobacco;
- l) respect competitor *Athletes* and, in dealings with them, not encroach upon topics or take actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the *Athletes*;
- m) when a *Power Imbalance* exists, not engage in a sexual or intimate relationship with an *Athlete* of any age;
- n) disclose to SOC any sexual or intimate relationship with an *Athlete* over the age of majority and, if requested by SOC, immediately discontinue any coaching involvement with that *Athlete*;
- o) avoid compromising the present and future health of *Athletes* by communicating and cooperating with sport science and sport medicine professionals in the diagnosis, treatment, and management of *Athletes'* medical and psychological treatments, including when discussing optimal nutritional strategies or weight control methods for junior-aged *Athletes* and above (18 + years of age). Dieting and other weight control methods are not permitted for *Athletes* 17 years of age and younger;
- p) recognize the power inherent in the position of *Volunteers* and respect and promote the rights of all *Organizational Participants* in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of *Organizational Participants* who are in a vulnerable or dependent position and less able to protect their own rights; and
- q) dress professionally and use appropriate language, considering the audience being addressed (e.g., the age/maturity of the individuals).

Athletes

15. In addition to section 10 (above), *Athletes* will have additional responsibilities to:
 - a) follow their *Athlete* agreement (if applicable);

- b) report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- c) participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations;
- d) properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason;
- e) adhere to any rules and requirements regarding clothing, professionalism, and equipment; and
- f) act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by *Volunteers*.

Officials

16. In addition to section 10 (above), officials will have additional responsibilities to:

- a) maintain and update their knowledge of the rules and rules changes;
- b) not publicly criticize *Organizational Participants*;
- c) adhere, at all times, to the rules of their international federation and any other sporting organization that has relevant and applicable authority;
- d) place the safety and welfare of competitors, and the fairness of the competition above all else;
- e) strive to provide a fair sporting environment and, at no time, engage in *Maltreatment or Prohibited Behaviour* toward any person in the field of play;
- f) respect the terms of any agreement that they enter with SOC;
- g) work within the boundaries of their position's description while supporting the work of other officials;
- h) act as an ambassador of SOC by agreeing to enforce and abide by national and provincial/territorial rules and regulations;
- i) take ownership of actions and decisions made while officiating;
- j) respect the rights, dignity, and worth of all *Organizational Participants*;
- k) act openly, impartially, professionally, lawfully, and in good faith;
- l) be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;

- m) respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about *Organizational Participants*;
- n) comply with their obligations under the Screening Policy, including understanding ongoing expectations under this policy and fully cooperating in the screening process;
- o) honour all assignments, unless unable to do so by virtue of illness or personal emergency and, in these cases, inform a supervisor or SOC at the earliest possible time;
- p) when writing reports, set out the facts to the best of their knowledge and recollection; and
- q) dress in proper attire for officiating.

Parents/Guardians and Spectators

17. In addition to section 10 (above), parents/guardians and spectators at *Sanctioned Events* will:
- a) encourage *Athletes* to compete within the rules and to resolve conflicts without resorting to hostility or violence;
 - b) condemn the use of violence in any form;
 - c) never ridicule an *Organizational Participant* for making a mistake during a competition or practice;
 - d) respect the decisions and judgments of officials and encourage *Athletes* to do the same;
 - e) support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm;
 - f) respect and show appreciation to all competitors, and to coaches and officials;
 - g) never *Harass Organizational Participants*, competitors, coaches, officials, parents/guardians, or other spectators; and
 - h) never encourage, aid, covert up or assist an *Athlete* in cheating through doping, competition manipulation or other cheating behaviors.

Chapters

18. *Chapters* must:

- a) adhere to all SOC governing documents and, where necessary, amend their own rules to comply or align with those of SOC;
 - b) Recognize that their websites, blogs and *Social Media* accounts may be seen as extensions of SOC and other *Chapters* and must reflect SOC's mission, vision and values;
 - c) pay all required dues and fees by the prescribed deadlines;
 - d) ensure that all *Athletes* and coaches participating in sanctioned competitions and *Sanctioned Events* of SOC are registered and in good standing;
 - e) Have well-defined staff and *Volunteer* recruitment and hiring practices and standards in place including interviews, reference checks, and screening procedures to ensure *Athletes* have a healthy and safe sport environment
 - f) ensure that any possible or actual misconduct is investigated promptly and thoroughly;
 - g) impose appropriate disciplinary or corrective measures when misconduct has been substantiated;
 - h) advise SOC immediately of any situation where a complainant has publicized a complaint in the media (including *Social Media*);
 - i) provide SOC with a copy of all decisions rendered pursuant to SOC's policies for complaints and appeals;
 - j) implement any decisions and disciplinary sanctions imposed pursuant to their discipline and appeal process;
19. Any issue related to the conduct of *Chapters* will be addressed by SOC pursuant to the authority of the Board under the applicable bylaws.

Anti-Doping³

20. SOC adopts and adheres to the Canadian Anti-Doping Program. SOC will respect any sanction imposed on an individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.
21. All *Organizational Participants* shall refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an Anti-Doping Rule violation and is serving a period of Ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the *World Anti-Doping Code* and/ or any other applicable Anti-Doping Rules and recognized by the *SIC*.

Retaliation, Retribution or Reprisal

22. It is a breach of the *Code* for any *Organizational Participant* or other individual to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that *Organizational Participant* from filing, in good faith, a complaint pursuant to any SOC policy.
23. It is also a breach of the *Code* for an *Organizational Participant* or other individual to file a complaint for the purpose of retaliation, retribution, or reprisal against any other *Organizational Participant*.
24. Any *Organizational Participant* found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

Privacy

25. The collection, use and disclosure of any *Personal Information* pursuant to this policy is subject to SOC's *Privacy Policy*.

³ Any capitalized terms used in this Anti-Doping section shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.

Appendix A – UCCMS

The UCCMS is available [here](#).

Discipline and Complaints Policy

PURPOSE

1. The purpose of this policy is to set out the processes by which complaints or reports of violations of SOC's *Code*, the *UCCMS*, the *CSSP*, or other applicable conduct standards will be dealt with through the dispute resolution process set out below.
2. *Organizational Participants* are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of SOC, as updated and amended from time to time.
3. Non-compliance with any of SOC's policies, rules, or regulations may result in the imposition of sanctions pursuant to this policy.

APPLICATION

Application – General

4. This policy applies to all *Organizational Participants* and to any alleged breaches of SOC's policies, rules or regulations which designate this policy as applicable to address such alleged breaches.
5. This Policy applies to matters that may arise during SOC business, activities, and *Sanctioned Events* including, but not limited to, competitions, practices, tryouts, training camps, travel associated with SOC and any meetings.
6. This Policy also applies to the conduct of *Organizational Participants* outside of SOC business, activities, and *Sanctioned Events* when such conduct adversely affects relationships within SOC (and its work and sport environment), is detrimental to the image and reputation of SOC, or upon the acceptance of SOC in its sole discretion.
7. In addition to being subject to disciplinary action pursuant to this policy, an employee of SOC who is a *Respondent* to a complaint may also be subject to consequences in accordance with the employee's employment agreement or SOC's human resources policies, if applicable.

REPORTING

CSSP Participants

8. Any incident that involves alleged *Prohibited Behaviour* (as defined in the *UCCMS* and the *CSSP*) and involving a *CSSP Participant* must be reported to the *SIC* and will be addressed pursuant to the *CSSP Rules*.
9. Notwithstanding the requirement in Section 8, the *SIC* shall determine the admissibility of complaints related to any incidents that involve alleged *Prohibited Behaviour* in accordance with the relevant and applicable *CSSP Rules*.

10. If SOC's *Independent Third Party* receives a complaint that they consider would otherwise fall within the above sections, they shall immediately refer the matter to the *SIC* and notify the individual(s) that made the complaint of such action.
11. If a complaint involves multiple *Respondents*, including one or more *CSSP Participants*, the *Independent Third Party* may hold the complaint in abeyance pending a jurisdictional determination by the *SIC*.

Organizational Participants

12. Any complaints involving alleged breaches of SOC's policies that designates the Sport Integrity and Complaints Policy as the applicable mechanism and that do not fall within Sections 8 or 11 above may be reported by an *Organizational Participant* or any other individual to the *Independent Third Party* in writing within six (6) months of the occurrence of the incident. For the avoidance of doubt, this includes complaints referred to the *Independent Third Party* by the *SIC* if the *SIC* determines that a complaint initially reported to the *SIC* does not fall within its jurisdiction. *SIC* is not required to comply with the deadline specified in this section.
 - a) If a complaint is filed with the *Independent Third Party* in writing within six (6) months of the occurrence of the incident the *Independent Third Party* will accept the complaint.
 - b) If the complaint is submitted after six (6) months of the occurrence of the incident but within five (5) years after the occurrence of the incident, the *Independent Third Party* may only accept a complaint if they determine that doing so is warranted based on their assessment of the following non-cumulative factors:
 - i. the relevant rules, norms and policies, including without limitation, social and legal norms, in effect at the time of the alleged event(s);
 - ii. the severity of the allegations and the facts and circumstances of the matter;
 - iii. the safety and well-being of participants and the sport community;
 - iv. the potential risks and prejudice from action and inaction, with safety being paramount;
 - v. the ability to identify potential *Parties* and witnesses and to obtain sufficient evidence; and
 - vi. the best interest of sport and those who participate in it, including the views of the person(s) directly impacted, when feasible.
 - 1) If a complaint submitted within five (5) years after the incident involves allegations, if proven, would trigger a presumptive sanction of permanent ineligibility, the complaint shall be accepted.

- c) Complaints of sexual *Maltreatment* may be brought at any time. While all complaints will be given due consideration, the ability to proceed may depend on the availability of evidence, the identification of involved *Parties*, and other necessary factors for a fair and effective process.
13. Notwithstanding any provision in this policy, SOC may, at its discretion, or upon request by the *Independent Third Party*, act as the *Complainant* and initiate the complaint process under the terms of this policy. In such cases, SOC will identify an individual to represent SOC.
14. A *Complainant* or any other individual who submits a report regarding a potential breach of the Organization's policies who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the *Independent Third Party* and request that their identity be kept confidential.
- a) If the *Independent Third Party* considers that the *Complainant's* identity must remain confidential during the initial stages, the *Independent Third Party* may ask that SOC take carriage of the complaint and act as the *Complainant*.⁴The confidentiality of the *Complainant's* identity may not be guaranteed.
 - b) A *Complainant's* identity may need to be disclosed if required to ensure procedural fairness, if legally mandated, or if necessary to the effective resolution of the Complaint.
 - c) If disclosure becomes necessary, the *Complainant* will be informed in advance, and reasonable measures will be taken by the *Independent Third Party* to minimize any potential harm.
 - d) If, at any stage, it is determined that the *Complainant's* anonymity cannot be maintained or adequately protected, the *Complainant* may elect to withdraw from the disciplinary proceeding without prejudice or adverse consequences.
15. In exceptional circumstances, the *Independent Third Party* may direct a complaint to be managed by SOC if a *Chapter* is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the *Chapter* does not have policies in place to address the complaint. In such circumstances, SOC shall have the right to request that a cost-sharing agreement is entered into with the *Chapter* as a condition of SOC managing the complaint.
16. Where the *Independent Third Party* refers a matter to be managed by a *Chapter*, or where a *Chapter* is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the *Chapter* fails to conduct disciplinary proceedings within a reasonable timeline, SOC may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the *Fair Play Officer* or External Discipline Chair decides that SOC acted reasonably in taking jurisdiction over the matter,

⁴ In such circumstances, the *Complainant(s)* may be required to provide evidence during the disciplinary process.

SOC's costs to conduct the proceedings, including legal fees, shall be reimbursed by the *Chapter* to SOC.

MINORS

17. Complaints may be brought by or against an *Organizational Participant* who is a *Minor*. *Minors* must have a parent/guardian or other adult serve as their representative during this process.
18. Communication from the *Independent Third Party*, *Fair Play Officer* or *External Discipline Panel* (as applicable) must be directed to the *Minor's* representative.
19. If the *Minor's* representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the *Minor's* parent/guardian.
20. A *Minor* is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the *Minor*.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

21. Upon receipt of a complaint, the *Independent Third Party* has a responsibility to:
 - a) determine whether the complaint falls within the jurisdiction of this policy and whether it has been submitted in accordance with the deadlines indicated herein;
 - b) whether the incident falls within the jurisdiction of this Policy, including whether the incident occurred within the business, activities, or *Sanctioned Events* of SOC; and
 - c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁵;
 - d) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
 - e) choose which process (the Fair Play Process or the UCCMS Process, as outlined below) should be followed to hear and adjudicate the matter.
22. If a complaint falls within the jurisdiction of the policy, *Independent Third Party* will prepare a complaint summary which includes the specific allegations against the *Respondent* and forms the basis of the complaint process moving forward, to be provided to the *Respondent*.

⁵ As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the *Independent Third Party* must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the *Complainant* and that there was an intention to mislead.

23. If a complaint does not fall within the jurisdiction of the policy, the *Independent Third Party* must reject the complaint, providing appropriate reasons in writing.

Available Process

24. There are two different processes that may be used to hear and adjudicate complaints involving *Organizational Participants*. Subject to Sections 8-11, the *Independent Third Party* decides which process will be followed at their discretion. Such decision is not appealable. The following processes are available to *Organizational Participants* of SOC or other individuals who have submitted a complaint. Should SOC designate *CSSP Participants* and violations of the *UCCMS* by *CSSP Participants* are alleged, please refer to section 8-11.

Fair Play Process - the complaint contains allegations other than breaches of the *UCCMS* by an *Organizational Participant*, such as violations of team policy or breaches conduct standards other than the *UCCMS*.

UCCMS Process - The complaint contains allegations involving violations of the *UCCMS* by an *Organizational Participant*.

Please refer to “**Procedural Steps**” below regarding how the Fair Play Process and the UCCMS Process complaints are handled.

PROVISIONAL MEASURES

25. *Provisional Measures* may be imposed in a reasonable and proportionate manner, without limitation, having regard to a consideration of the following factors:
- a) The safety or well-being of any *Organizational Participant* and SOC community;
 - b) The seriousness of the allegations and the facts and circumstances of the case;
 - c) Potential risks and prejudice from action and inaction;
 - d) The best interest of sport and those who participate in the Special Olympics community;
 - e) The impact of the measures on the *Respondent*; and
 - f) The integrity of the process.
26. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a *Provisional Measure* may be imposed against any *Organizational Participant* by the *Board* of Directors of SOC, after which further discipline or sanctions may be applied according to this policy.
- a) The *Independent Third Party* will notify SOC of a complaint and provide a non-binding recommendation regarding *Provisional Measures* if the allegations involve behaviours

identified under the Presumptive Sanction section of the *UCCMS*. In such circumstances, the *Independent Third Party* may only disclose a summary of the allegations and the identity of the *Respondent*, with no other identifying information provided.

27. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. *Provisional Measures* may be imposed for the duration of a competition, training, activity, or *Sanctioned Event* only, or as otherwise determined appropriate by the designated *Party* at the *Sanctioned Event*, if any.⁶
28. Notwithstanding the above section, SOC may determine that an alleged incident at a *Sanctioned Event* is of such seriousness as to warrant the imposition of a *Provisional Measure* on a *Respondent* pending completion of a *CSSP* Process as defined in the *CSSP* Rules, criminal process, the hearing, or a decision of the *External Discipline Panel*. For the avoidance of doubt, SOC shall have discretion to impose *Provisional Measures* in addition to any measures imposed by the *SIC* through the *CSSP* process.
29. Any *Respondent* against whom a *Provisional Measure* is imposed may make a request to the *Independent Third Party* or *External Discipline Panel* (if appointed) to have the *Provisional Measure* lifted. In such circumstances, SOC shall be provided with an opportunity to make submissions, orally or in writing, regarding the *Respondent's* request to have their *Provisional Measure* lifted. *Provisional Measures* shall only be lifted in circumstances where the *Respondent* establishes that it would be manifestly unfair to maintain the *Provisional Measure* against them.
30. Any decision, which shall be in writing with appropriate reasons, not to lift a *Provisional Measure* shall not be subject to appeal.

Procedural Steps

FAIR PLAY PROCESS: Handled by the Fair Play Officer

31. Following the determination that the complaint or incident should be handled under the Fair Play Process, the *Independent Third Party* will notify SOC. SOC will administer the process moving forward, including by appointing a *Fair Play Officer*⁷.

Dispute Resolution – General

32. Hearings before the *Fair Play Officer* are intended to be quick, informal, and cost-effective proceedings. The format of a hearing may be a hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted

⁶ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an *Organizational Participant* from facing additional disciplinary proceedings under the *Code*.

⁷ The appointed *Fair Play Officer* must be unbiased and not in a conflict of interest. SOC will notify the *Independent Third Party* of the *Fair Play Officer(s)* as designated by the organization from time to time.

in advance of the hearing, or a combination of these methods.

33. The *Fair Play Officer* is responsible for determining the appropriate procedure of a hearing, provided that:
 - a) within five (5) days of their appointment, the *Fair Play Officer* shall contact the *Complainant(s)*/Official and the *Respondent(s)* to initiate the process;
34. The process is expedited and must commence within one (1) to five (5) days from the *Fair Play Officer's* first contact with the *Parties*, unless there are extenuating circumstances or scheduling considerations that reasonably delay the start of the hearing. The *Fair Play Officer* may:
 - a) propose *Alternative Dispute Resolution* techniques, if appropriate; and/or
 - b) ask the *Complainant* and the *Respondent* for either written or oral submissions regarding the complaint or incident. At the discretion of the *Fair Play Officer*, both *Parties* may submit to the *Fair Play Officer* any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each *Party* shall have the right to receive the other *Party's* submissions and evidence, including the *Complainant's* complaint. In the case of oral submissions, each *Party* shall be present when such submissions are made (unless waived by a *Party*); and/or
 - c) following receipt of the *Parties'* submissions, the *Fair Play Officer* may convene the *Parties* to a hearing, to ask the *Parties* questions. The *Fair Play Officer* may allow the *Parties* to ask questions of one another, if they deem it appropriate and necessary.
35. Following their review of the submissions and evidence related to the complaint or Match Report, the *Fair Play Officer* shall determine if any of the incidents identified in the complaint summary above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: Sanctions).
36. If, after hearing the *Parties* and reviewing their submissions, the *Fair Play Officer* considers that none of the incidents identified in the complaint summary or Match Report occurred or the incidents did not violate the applicable conduct standard, they shall dismiss the matter.
37. The *Fair Play Officer* will inform the *Parties* of their decision, which shall be in writing and include reasons. The *Fair Play Officer's* decision will take effect immediately, unless specified otherwise. Should the circumstances require a decision to be rendered immediately or within a short timeline, the *Fair Play Officer* may render a short decision, either orally or in writing, followed by a written reasoned decision.
38. Any decision rendered by the *Fair Play Officer* shall be provided to and maintained in the records of SOC.
39. Decisions of the *Fair Play Officer* may not be appealed.

40. Decisions will be kept confidential by the *Parties* and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

UCCMS Process: Handled by Independent Third Party and External Discipline Panel

Independent Third Party

41. The UCCMS Process deals with violations of the *UCCMS* by *Organizational Participants*. Following the determination that the complaint should be handled under the UCCMS Process, the *Independent Third Party* will appoint an *External Discipline Panel* to hear the complaint.
42. Thereafter, the *Independent Third Party* shall have the following responsibilities:
 - a) coordinate all administrative aspects of the process and set reasonable timelines;
 - b) provide administrative assistance and logistical support to the *External Discipline Panel* as required, including providing the *External Discipline Panel* with any information related to previously imposed disciplinary sanctions against the *Respondent(s)* of the policies of SOC, any *Chapter(s)* or any other sport organization that had authority over the *Respondent*; and
 - c) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
43. If warranted, based on the extraordinary nature of the case, the *Independent Third Party* may, in their sole discretion, appoint an *External Discipline Panel* of three (3) people. When a three-person *External Discipline Panel* is appointed, the *Independent Third Party* will appoint one of the *External Discipline Panel's* members to serve as the Chair.
44. Once appointed, the *External Discipline Panel* or designated Chair will be the primary point of contact for the *Parties*, unless otherwise indicated.

Dispute Resolution – General

45. The complaint process will be determined by the *External Discipline Panel*, as they deem appropriate in the circumstances, provided that:
 - a) within five (5) *Days* of their appointment, the *External Discipline Panel* shall contact the *Complainant(s)* and the *Respondent(s)* to initiate the process;
 - b) all matters under this policy, including investigations, interviews, administrative meetings and hearings, may be held virtually or in person or a hybrid;
 - c) the process is to be expedited, and must commence within three (3) to five (5) *Days* from the *External Discipline Panel's* first contact with the *Parties*, unless there are extenuating circumstances or scheduling considerations which reasonably delay the start of the hearing;
 - d) the *External Discipline Panel* will determine whether it is appropriate for the matter to

proceed to mediation first (See: *Alternative Dispute Resolution*). If the *External Discipline Panel* does not believe that the matter should proceed to mediation or any of the *Parties* refuse to go to mediation, the matter will move directly to arbitration (See: Arbitration Process).

Alternative Dispute Resolution (ADR)

46. SOC supports the principles of ADR and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy investigation, hearings, and appeals.
47. All *Parties* are encouraged to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences.
48. SOC's position is that negotiated settlements are most often preferable to arbitrated outcomes.
49. Should a negotiated settlement be reached, the settlement shall be reported by the *Independent Third Party* to all *Parties* involved, as well as SOC. Following the settlement, any actions and/or sanctions shall be enacted in accordance with the timelines specified by the negotiated decision.
50. Should a tentative negotiated settlement be reached, the proposed settlement shall be reported to SOC and/or a *Chapter* for approval if it involves any obligations or may reasonably impact the operations or reputation of SOC and/or a *Chapter*. SOC and/or a *Chapter* may approve, reject, or propose amendments to a proposed settlement. Any decision by SOC and/or a *Chapter* to approve, reject, or propose amendments to a negotiated settlement may not be appealed.
51. Any actions that are to take place because of the proposed settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval. The *Parties* may not withdraw from the proposed settlement pending the approval of any actions to be taken by SOC and/or a *Chapter*.
52. Failure to comply with a signed negotiated settlement will result in the suspension of the individual from participating in sanctioned activities. The lifting of the suspension will be reviewed by SOC and/or an applicable *Chapter* upon the completion of all conditions identified in the signed negotiated settlement.
53. Any negotiated settlement will be final and binding on the *Parties*. Negotiated settlements may not be appealed.
54. A non-disclosure agreement (NDA) or any other confidentiality provision entered as part of a negotiated settlement may not prevent the publication by SOC or other applicable sport organizations of sanctions on registries such as the *CSSP* Registry, *SIC* Database, or NSO

database. NDAs may not be entered into if a complaint involves allegations of sexual *Maltreatment*, grooming and boundary transgressions unless such an agreement:

- a) is the expressed wish and preference of the *Complainant(s)*;
 - b) includes an opportunity for the *Complainant(s)* to decide to waive their own confidentiality in the future and the process for doing so;
 - c) aligns with the principles of the *UCCMS*;
 - d) is of a set and limited duration; and
 - e) does not adversely affect:
 - i. the health or safety of a third *Party*, or
 - ii. the public interest
55. Any NDA in a Complaint involving allegations of sexual *Maltreatment*, grooming or boundary transgressions must be reviewed and approved by the *External Discipline Chair*. The *External Discipline Chair* may, at their sole discretion, approve, reject, or propose amendments to an NDA. Any decision by the *External Discipline Chair* to approve, reject, or propose amendments to an NDA may not be appealed.
56. Any negotiated settlement will be binding on the *Parties*. Negotiated settlements may not be appealed.
57. Should a negotiated settlement not be reached, the matter will proceed to arbitration.

Arbitration Process

58. The *External Discipline Chair* is responsible for determining the appropriate process of a hearing. The format of a hearing may be an in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
59. The *External Discipline Chair* shall ensure that:
- a) all *Parties* are given the opportunity to present evidence in a manner which complies with the fundamental principles of procedural fairness, and is sensitive to the needs of *Minors*, survivors of trauma, and other vulnerable individuals;
 - b) nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence or is inadmissible by any statute. The *External Discipline Chair* may allow any evidence at the hearing filed by the *Parties* and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The *External Discipline Chair* shall otherwise apply relevant and applicable evidentiary rules

in relation to the admissibility and weight given to evidence filed by the *Parties*.

- c) if the *External Discipline Chair* grants a request from either *Party* for additional time, the *External Discipline Chair* has the authority to impose additional interim conditions;
 - d) the *Parties* must be given:
 - i. appropriate notice of the *Day*, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium, and
 - ii. copies of any written documents which the *Parties* wish to have the *External Discipline Chair* consider will be provided to all *Parties*, through the *Independent Third Party*, in advance of the hearing.
 - e) the *Parties* may engage a representative, advisor, or legal counsel at their own expense;
 - f) if the *Respondent* acknowledges the facts of the incident(s), the *Respondent* may waive the hearing, in which case the *External Discipline Chair* will determine the appropriate sanction. The *External Discipline Chair* may still hold a hearing for the purpose of determining an appropriate sanction. In such circumstances, victim impact statements may be considered by the *External Discipline Chair*;
 - g) the process will proceed if a *Party* chooses not to participate in the hearing;
 - h) the *External Discipline Chair* may request that any other individual or organization participate and give evidence at the hearing, including SOC, provided such participation is reasonably required to effectively conduct the proceedings and is not prejudicial to the interest of the *Parties*; and
 - i) if not a *Party*, a designated representative of SOC may be allowed to attend the hearing as an observer and will be provided with access to any documents submitted, bound by the confidentiality requirements of this policy. With the permission of the *External Discipline Chair*, SOC may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the *External Discipline Chair* to render its decision.
60. Any procedural decisions by the *External Discipline Chair* may not be appealed.
61. The *External Discipline Chair* has the power to modify a *Provisional Measure* and relieve against non-compliance with time limits, or any other technicality or irregularity as set out in this policy.
62. The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the *Parties* and SOC and/or a *Chapter* are reasonable.

63. In fulfilling its duties, the *External Discipline Chair* may obtain independent advice.

DECISION

64. After hearing the matter, the *External Discipline Panel* will determine, on a balance of probabilities, whether an infraction has occurred and, if so, the sanctions to be imposed. If the *External Discipline Panel* considers that no infraction has occurred, the complaint will be dismissed.
65. Within fourteen (14) days of the conclusion of the hearing, the *External Discipline Panel's* written decision, with reasons, will be distributed to all *Parties* by the *Independent Third Party*, including to SOC, and the relevant *Chapter(s)*. The decision will be by a majority vote of the *External Discipline Panel* when the Panel consists of three (3) people.
66. In extraordinary circumstances, the *External Discipline Panel* may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) Day period.
67. The *External Discipline Panel's* decision will come into effect as of the date that it is rendered, unless decided otherwise by the *External Discipline Panel*. The *External Discipline Panel's* decision will apply automatically to SOC and all of its *Chapters*, according to the terms of the *Reciprocity Policy*.
68. Unless the matter involves a *Vulnerable Participants*, once the appeal deadline in the *Appeal Policy* has expired, SOC shall publish on their website a summary of the decision, which shall include the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the *Organizational Participant(s)* involved as *Respondents* and the sanction(s) imposed, if any, or as otherwise specified by the Publication Guidelines. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding *Minors* or *Vulnerable Participants* will never be published.
69. If the *External Discipline Panel* dismisses the complaint, the information referred to in the previous section may only be published with the *Respondent's* consent. If the *Respondent* does not provide such consent, the information referred to in the previous section will be kept confidential by the *Parties*, the *Independent Third Party*, SOC and the *Chapter* shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the *Party* who breaches confidentiality pursuant to this policy.
70. Other individuals or organizations, including but not limited to, *Chapters*, other provincial/territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this policy.
71. Records of all decisions will be maintained by SOC in accordance with its Privacy Policy.
72. When the *External Discipline Panel* imposes a sanction, the decision shall include, at a minimum, the following information:

- a) jurisdiction;
 - b) summary of the facts and relevant evidence;
 - c) where applicable, the specific provision(s) of SOC's policies, bylaws, rules or regulations that have been breached;
 - d) which *Party* or Organization is responsible for the costs of implementing any sanction;
 - e) which Organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) any reinstatement conditions that the *Respondent* must satisfy (if any);
 - g) which Organization is responsible for ensuring that the conditions have been satisfied; and
 - h) any other guidance that will assist the *Parties* to implement the *External Discipline Panel's* decision.
73. If necessary, a *Party* – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the *External Discipline Panel* regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

74. When determining the appropriate sanction, the *Fair Play Officer* or *External Discipline Panel*, as applicable, will consider the following factors (where applicable):
- a) the nature and duration of the *Respondent's* relationship with the *Complainant*, including whether there is a *Power Imbalance*;
 - b) the *Respondent's* prior history and any pattern of misconduct, *Prohibited Behaviour* or *Maltreatment*;
 - c) the respective ages of the individuals involved;
 - d) whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;
 - e) the *Respondent's* voluntary admission of the offense(s), acceptance of responsibility for the misconduct, *Prohibited Behaviour* or *Maltreatment*, and/or cooperation in the investigative and/or disciplinary process of SOC;
 - f) real or perceived impact of the incident on the *Complainant*, sport organization or the sporting community;
 - g) circumstances specific to the *Respondent* being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability;

illness);

- h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) a *Respondent* who is a Person of Authority, in a position of trust, intimate contact or high- impact decision-making may face more serious sanctions; and/or
 - j) other mitigating or aggravating circumstances.
75. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of *Prohibited Behaviour, Maltreatment* or other misconduct may justify elevated or combined sanctions.
76. The *Fair Play Officer*⁸ or *External Discipline Panel*, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an *Organizational Participant(s)* has violated the *Code* and that more severe sanctions will result should the *Organizational Participant(s)* be involved in other violations.
 - b) **Education** - the requirement that an *Organizational Participant(s)* undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the *UCCMS*.
 - c) **Probation** - Should any further violations of the *Code* or the *UCCMS* occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
 - d) **Suspension** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, *Sanctioned Event*, or competition sponsored by, organized by, or under the auspices of SOC. A suspended *Organizational Participant(s)* may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the *Organizational Participant(s)* satisfying specific conditions noted at the time of suspension.
 - e) **Eligibility Restrictions** - restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
 - f) **Permanent Ineligibility** - ineligibility to participate in any capacity in any program, activity, *Sanctioned Event*, or competition sponsored by, organized by, or under the auspices of SOC

⁸ The *Fair Play Officer* is limited to imposing sanctions under sections 76.a to 76.e and 76.g. Any period of suspension must be less than six months.

- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, suspension of funding or other restrictions or conditions as deemed necessary or appropriate.
77. The *External Discipline Panel* may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed *Maltreatment*:
- a) Sexual *Maltreatment* involving a *Minor Complainant*, or a *Complainant* who was a *Minor* at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
 - b) Sexual *Maltreatment*, Physical *Maltreatment* with contact, and *Maltreatment* related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
 - c) While a *Respondent* has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.
78. An *Organizational Participant(s)*'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with SOC. Such *Criminal Code* offences may include, but are not limited to:
- a) any child pornography offences;
 - b) any sexual offences; or
 - c) any offence of physical violence.
79. Failure to comply with a sanction as determined by the *External Discipline Panel* will result in an automatic suspension until such time as compliance occurs.

CSSP SANCTION

80. SOC will ensure that any sanctions or measures imposed by the *SIC* will be recognized and enforced within SOC's jurisdiction once SOC receives appropriate notice of any sanction or measure from the *SIC*, or if the sanction or measure is published on the Public Registry.

APPEALS

81. The decision of an *External Discipline Panel* may be appealed in accordance with the *Appeal Policy*, except where excluded by this policy.

CONFIDENTIALITY

82. The disciplinary process is confidential and involves only SOC, the *Chapter* (where applicable)

the *Parties*, the *Independent Third Party*, the *Fair Play Officer*, the *External Discipline Panel* (as appropriate), and any independent advisors to the *External Discipline Panel*.

83. None of the *Parties* (or their *Representatives* or witnesses) or organizations referred to in the previous section will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless SOC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a *Provisional Measure* has been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
84. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the *Fair Play Officer* or *External Discipline Panel* (as applicable).

TIMELINES

85. If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the *Independent Third Party* may direct that these timelines be revised. Such decisions may not be appealed.

STATISTICAL REPORTING

86. SOC may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain, any information that is confidential under this policy, or that has been ordered to be kept confidential by a discipline or *Appeal Panel*, but may include the number of complaints reported to the *Independent Third Party* (for SOC and *Chapters*), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the *Fair Play Officer* process, the *External Discipline Panel* process, and the number of appeals filed pursuant to the *Appeal Policy* and whether the appeals were upheld, partially upheld or dismissed.

PRIVACY

87. The collection, use and disclosure of any *Personal Information* pursuant to this policy is subject to SOC's *Privacy Policy*.
88. SOC, its *Chapters*, or any of their delegates pursuant to this policy (i.e., *Independent Third Party*, *Fair Play Officer*, *External Discipline Panel*), shall comply with SOC's *Privacy Policy* (or, in the case of a *Chapter(s)*, the *Chapters' Privacy Policy*) in the performance of their services under this policy.
89. The *Independent Third Party* will maintain all information securely in accordance with industry standard data retention and privacy policies.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the *Independent Third Party*, the *Independent Third Party* will determine if the incident(s) should be investigated.
2. The use of investigations should be limited, such as in circumstances where it is otherwise unreasonable to proceed directly to a hearing process before an External Discipline Panel.

Investigation

3. If the *Independent Third Party* considers that an investigation is necessary, they will appoint an investigator. The investigator must be independent of the *Independent Third Party* and SOC and/or its *Chapter* (as applicable) with experience in investigating. The investigator must not be in a conflict-of-interest situation and should also have no connection to either *Party*.
4. Provincial legislation related to *Workplace Harassment* may apply to the investigation if *Harassment* was directed toward an employee in the Workplace. The investigator should review *Workplace* safety legislation, the Organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
5. The investigation may take any form as decided by the investigator, guided by any applicable provincial legislation. The investigation may include:
 - a) interviews with the *Complainant*;
 - b) witness interviews;
 - c) statement of facts (*Complainant's* perspective) prepared by the investigator, acknowledged by the *Complainant* and provided to the *Respondent*;
 - d) interviews with the *Respondent*; and
 - e) statement of facts (*Respondent's* perspective) prepared by investigator, acknowledged by the *Respondent* and provided to the *Complainant*.

Investigator's Report

6. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the *Parties* and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an *External Discipline Panel* pursuant to the *Discipline and Complaints Policy*

because they constitute a likely breach of the *Code of Conduct and Ethics*, the *UCCMS* or any other relevant and applicable SOC policy.

7. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).
8. The Investigator's Report will be provided to the *Independent Third Party* who will disclose it, at their discretion, all or part of the investigation report to SOC, and the relevant *Chapters* (if applicable). The *Independent Third Party* may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the *Parties*, at their discretion, with any necessary redactions. Alternatively, and only if determined to be necessary or appropriate, the *Independent Third Party* or the *External Discipline Panel*, other relevant *Organizational Participants* may be provided with an executive summary of the investigator's findings by the *Independent Third Party*.
9. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the *Parties*, SOC and, where applicable, the *Chapter*, and the matter shall be referred by the *Independent Third Party* to the police.
10. The investigator must also inform SOC of any findings of criminal activity. SOC may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the *World Anti-Doping Agency's* Prohibited List currently in force), any crime involving *Minors*, fraud against the Organization or any member(s) (as applicable), or other offences where the lack of reporting would bring SOC.

Reprisal and Retaliation

11. Any *Organizational Participant* against whom a complaint has submitted to the *Independent Third Party* by an *Organizational Participant*, or which *Organizational Participant* gives evidence in an investigation are strictly prohibited from engaging in reprisal or retaliation.
12. Any such conduct may constitute *Prohibited Behaviour* be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures of the *CSSP*.

False Allegations

13. An *Organizational Participant* who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to SOC that the *Organizational Participant* be required to pay for the costs of any investigation that comes to this conclusion.
14. Any *Organizational Participant* who is liable to pay for such costs shall be automatically

deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any *SOC Sanctioned Events*, activities or business. SOC, its *Chapter(s)* (as applicable), or the *Organizational Participant* against whom the allegations were submitted, may act as the *Complainant* with respect to making a complaint pursuant to this Section 10.

Confidentiality

15. The investigator will make reasonable efforts to preserve the anonymity of SOC, *Respondent*, and any other *Party*. However, SOC recognizes that maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

16. The collection, use and disclosure of any *Personal Information* pursuant to this policy is subject to SOC's *Privacy Policy*.
17. SOC, its *Chapters*, or any of their delegates pursuant to this policy (i.e., *Independent Third Party*, *Fair Play Officer*, *External Discipline Panel*), shall comply with SOC's *Privacy Policy* (or, in the case if a *Chapter*, the *Chapter's Privacy Policy*) in the performance of their services under this policy.

Appendix B - Publication Guidelines

1. Subject to SOC's *Discipline and Complaints Policy*, disciplinary decisions of an *External Discipline Panel* and/or *Fair Play Officer* will be considered a matter of public record, subject to the restrictions set out below.
2. Publication of all decisions will not take place until the disciplinary process undertaken by SOC is complete, and/or the expiry of an appeal period, as the case may be, except as set out below.
3. Publication means the communication of information by making it known or accessible to the public through any means, including print, telecommunication, or electronic means.
4. Notification means providing a written copy of any decision to an organization as required by the *Reciprocation Policy*. *Parties* who receive a copy of a decision under the *Discipline and Complaints Policy* may not publicly disclose this information, except as reasonably necessary to implement the terms of the disciplinary decision and any sanction.
5. After receiving a copy of a decision, SOC will, unless otherwise directed by the *External Discipline Panel* or *Fair Play Officer*, publish a summary of the decision. This summary will include the name of the *Respondent(s)*, the nature of the breach or breaches, the policies, by-laws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of the decision.
6. Summaries will be posted in accordance with the following:
 - a) Where a sanction is imposed for a set period where an *Organizational Participant* is restricted in their involvement with the sanctioned activities of SOC, such as a suspension or a probationary period, the decision will be posted for the duration of the sanction. It will be removed at once the identified time has passed plus two (2) years.
 - b) If a sanction or discipline involves a period of ineligibility, the sanction will be posted for the period of ineligibility plus two (2) years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
 - c) If a sanction is conditional on the completion of training, education or other conditions, the sanction will be posted until the *Organizational Participant* has completed the required conditions to the satisfaction of SOC, plus two (2) years.
 - d) Publication shall take place following the completion of the process under the *Discipline and Complaints Policy*.
 - e) In exceptional circumstances, publication of a sanction or *Provisional Measure* will take place to protect the public and/or if the integrity of SOC or its *Chapter(s)*, as

applicable, will be affected by not publishing the sanction.

- f) The publishing of *Provisional Measures* will only take place in exceptional circumstances described above in subsection (e).
 - g) Publication bans are standard while a complaint is in progress with SOC. All information, except for information already publicly available through authorized means, is subject to a publication ban and must be kept confidential until the process is completed to protect the integrity of the process.
- 7. Prior to publishing the summary, SOC will, at their discretion, remove any confidential or sensitive material from the summary, including any identifying information about *Organizational Participants* or other individuals named, unless these *Organizational Participants* are subject to a sanction and/or discipline in the decision.
 - 8. Identifying or *Personal Information* regarding *Minors* or *Vulnerable Organizational Participants* will never be published by SOC.
 - 9. Matters that are resolved prior to a decision will be subject to publication in accordance with the requirements of Section 6.
 - 10. Decisions involving *Provisional Measures* and sanctions imposed through the *SIC* or the *CSSP* processes will be published according to the guidelines established by the *CSSP* Rules.
 - 11. Nothing in the above prohibits SOC from notifying relevant sport organizations of any decision imposing a sanction and/or discipline on an *Organizational Participant*, including *Minor* or *Vulnerable Organizational Participant*, as required by the *Reciprocation Policy*.
 - 12. If a *Minor* or *Vulnerable Organizational Participant* is sanctioned under a decision, any organization who receives notification of this decision must keep the decision confidential, except as reasonably necessary to implement the terms of the decision.
 - 13. Records of all decisions will be maintained by SOC in accordance with the *Privacy Policy*.

Appeal Policy

Purpose

1. This *Appeal Policy* provides *Organizational Participants* and *Parties* with a fair and expedient appeal process.

Scope and Application of this Policy

2. Any *Party* to a *Discipline and Complaints Policy* process or *Organizational Participant* who is directly affected by a decision made by SOC, *Fair Play Officer* or an *External Discipline Panel*, as the case may be, shall have the right to appeal that decision if there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this policy.
3. This policy **will apply** to decisions relating to the following, except where excluded by policy:
 - a) eligibility;
 - b) selection;
 - c) conflict of interest;
 - d) discipline; and
 - e) membership, including application for membership.
4. This policy **will not apply** to decisions from SOC relating to:
 - a) employment;
 - b) infractions for doping offenses;
 - c) the rules of the sport;
 - d) selection criteria, quotas, policies, and procedures established by entities other than SOC or its *Chapters*;
 - e) substance, content and establishment of team selection or carding criteria;
 - f) *Volunteer*/coach appointments and the withdrawal or termination of those appointments;
 - g) budgeting and budget implementation;
 - h) SOC's operational structure and committee appointments;
 - i) decisions or discipline arising within the business, activities, or *Sanctioned Events* organized by entities other than SOC (appeals of these decisions shall be dealt with

pursuant to the policies of those other entities unless requested and accepted by SOC at its sole discretion);

- j) commercial matters for which another appeals process exists under a contract or applicable law;
- k) decisions made under this policy;
- l) any complaint or report dealt with under the *CSSP* process, and any resulting outcome; or
- m) any decision made by the Safeguarding Tribunal or the Appeal Tribunal of the *SDRCC*.

Timing of Appeal

5. A *Party* to a *Discipline and Complaints Policy* process or *Organizational Participants* who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit all the following, in writing, to SOC or its identified designate:
 - a) notice of the intention to appeal;
 - b) their contact information;
 - c) name and contact information of the *Respondent* and any *Affected Parties*, when known to the *Appellant*;
 - d) date the *Appellant* was advised of the decision being appealed;
 - e) a copy of the decision being appealed, or description of said decision if a written document is not available;
 - f) grounds for the appeal;
 - g) detailed reasons for the appeal;
 - h) all evidence that supports these grounds;
 - i) requested remedy or remedies; and
 - j) an administration fee of one hundred fifty dollars (\$150) which will be refunded if the appeal is upheld.
6. A *Party* to a *Discipline and Complaints Policy* process or *Organizational Participant* who wishes to initiate an appeal beyond the fourteen (14) *Day* period must provide a written request stating the reasons for an exemption. The decision to allow or not allow an appeal outside of the fourteen (14) *Day* period will be at the sole discretion of the *Appeal Manager* and may not be appealed.

Grounds for Appeal

7. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include if SOC or a designate:
 - a) made a decision that it did not have the authority or jurisdiction (as set out in the applicable governing documents) to make;
 - b) failed to follow its own procedures (as set out in the applicable governing documents);
 - c) made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or
 - d) made a decision that was unreasonable.

Screening of Appeal

8. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), SOC and the *Appellant* may first attempt to resolve the informally or through the Early Resolution Facilitation services offered by the *SDRCC*.
9. Should the appeal not be resolved through resolution facilitation at the *SDRCC*, SOC will appoint an independent *Appeal Manager* (who must not be in a conflict of interest, have had any prior involvement in the matter under appeal or have any direct relationship with the *Parties*) who has the following responsibilities:
 - a) to determine if the appeal falls under the scope of this policy;
 - b) to determine if the appeal was submitted in a timely manner; and
 - c) to decide whether there are sufficient grounds for the appeal.
10. If the *Appeal Manager* denies the appeal because of insufficient grounds because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the *Appellant* will be notified, in writing, of the reasons for this decision. This decision may not be appealed. Appeals resolved through Early Resolution Facilitation at the *SDRCC* will result in the administration fee being refunded to the *Appellant*.
11. If the *Appeal Manager* is satisfied there are sufficient grounds for an appeal, the *Appeal Manager* will appoint an *Appeal Panel* which shall consist of a single individual, to hear the appeal.
12. In extraordinary circumstances, and at the discretion of the *Appeal Manager*, an *Appeal Panel* composed of three (3) persons may be appointed to hear the appeal. In this event, the *Appeal Manager* will appoint one of the *Appeal Panel's* members to serve as the Chair.

Determination of Affected *Parties*

13. To confirm the identification of any *Affected Parties*, the *Appeal Manager* will engage SOC. The *Appeal Manager* may determine whether a *Party* is an *Affected Party* in their sole discretion.

Procedure for Appeals of Fair Play Officer Sanctions

14. For decisions by *Fair Play Officers*, only their sanction may be appealed. To appeal a decision of a *Fair Play Officer* related to a sanction, the *Appellant* must have participated in the hearing before the *Fair Play Officer*. All other decisions of the *Fair Play Officer* are final and binding and are not subject to appeal or review.
 - a) An appeal of a *Fair Play Officer* decision on sanction shall take the form of a review based on written submissions.
 - b) The *Appeal Panel* shall apply a standard of reasonableness.
 - c) The *Appeal Panel* may uphold, increase, decrease, remove, or vary any sanction imposed by the *Fair Play Officer*.

Procedure for Appeals of an External Discipline Panel Decision

15. For decisions by the *External Discipline Panel*, only their sanction may be appealed. To appeal a decision of an *External Discipline Panel*, the *Appellant* must have participated in the hearing before the *External Discipline Panel*.
16. The *Appeal Manager* shall notify the *Parties* that the appeal will be heard. The *Appeal Manager* shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the *Appeal Manager* and may not be appealed.
17. If a *Party* chooses not to participate in the hearing, the hearing will proceed without further notice or opportunity to participate or provide submissions for the *Party* refusing to participate.
18. Where evidence existed at the time of the decision under appeal but the *Appellant* only became aware of the evidence after the previous proceeding was concluded and that evidence may have changed the outcome of the decision under appeal, the *Appellant* may make a motion to introduce fresh evidence on the appeal of the previous decision to the *Appeal Panel*.
19. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the *Appeal Manager* and the *Appeal Panel* deem appropriate in the circumstances. The following guidelines will apply to the hearing:

- a) The hearing will be held within a timeline determined by the *Appeal Manager*;
- b) The *Parties* will be given reasonable notice of the *Day*, time, and place of an oral, in-person hearing or oral hearing by telephone or electronic communications;
- c) Copies of any written documents which any of the *Parties* wish to have the *Appeal Panel* consider will be provided to all *Parties* in advance of the hearing;
- d) The *Parties* may be accompanied by a representative, advisor, or legal counsel at their own expense;
- e) The *Appeal Panel* may request that any other individual participate and give evidence at an in-person hearing or oral hearing by telephone or electronic communications;
- f) The *Appeal Panel* may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate;
- g) If a decision in the appeal may affect another *Party* to the extent that the other *Party* would have recourse to an appeal in their own right under this policy, that *Party* will become an *Affected Party* to the appeal in question and will be bound by its outcome; and
- h) The decision to uphold or reject the appeal will be by a majority vote of the *Appeal Panel* members.

20. In fulfilling its duties, the *Appeal Panel* may obtain independent advice.

Appeal Decision

- 21. The *Appellant* must demonstrate, on a balance of probabilities, that the *Respondent* has made a procedural error as described in the Grounds for Appeal section of this policy and that this error had a material effect on the decision or decision-maker.
- 22. The *Appeal Panel* shall issue its decision, in writing and with reasons, within seven (7) *Days* after the hearing's conclusion. In making its decision, the *Appeal Panel* will have no greater authority than that of the original decision-maker. The *Appeal Panel* may decide to:
 - a) reject the appeal and confirm the decision being appealed;
 - b) uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - c) uphold the appeal and vary the decision.
- 23. The *Appeal Panel* will also determine whether costs of the appeal will be assessed against

any *Party*. In assessing costs, the Panel will consider the outcome of the appeal, the conduct of the *Parties*, and the *Parties'* respective financial resources.

24. The *Appeal Panel's* written decision, with reasons, will be distributed to all *Parties*, the *Appeal Manager*, SOC, and its *Chapter* (if applicable). In extraordinary circumstances, the *Appeal Panel* may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record and published according to the Publication Guidelines (see Appendix B of the *Discipline and Complaints Policy*) unless decided otherwise by the *Appeal Panel*.

Appeals to the SDRCC

25. *Appeal Panel* decisions may be appealed to the SDRCC in accordance with the Canadian Sport Dispute Resolution Code, if the subject matter of the appeal involves an issue that SOC is required through its federal funding agreement to be allowed to be appealed to the SDRCC.

Timelines

26. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the appeal, the *Appeal Manager* and/or *Appeal Panel* may direct that these timelines be revised.

Confidentiality

27. The appeals process is confidential and involves only the *Parties*, SOC, the *Appeal Manager*, the *Appeal Panel*, and any independent advisors to the *Appeal Panel*. Once initiated and until a decision is released, none of the *Parties* (or their *Representatives* or witnesses) will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless SOC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where *Provisional Measures* have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
28. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Panel.

Final and Binding

29. The decision of the Panel will be final and binding upon all *Parties* and upon all *Members* of SOC subject to the right of any party to seek a review of the *Appeal Panel's* decision pursuant to the rules of the SDRCC, as amended from time to time.
30. No action or legal proceeding will be commenced against SOC or *Organizational Participants* in respect of a dispute, unless SOC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

Reciprocity Policy

Purpose

1. The purpose of this policy is to ensure national enforcement and recognition of all disciplinary sanctions applied by SOC and *Chapters*.

Application

2. This policy applies to all *Chapters*.

Responsibilities

3. SOC will:
 - a) provide copies of discipline and appeal decisions to the *Chapter(s)* affected or impacted by the decision;
 - b) for discipline decisions provided to SOC by a *Chapter*, determine per the *Discipline and Complaints Policy* whether to initiate further action against the individual(s) named in the decision;
 - c) recognize and enforce the disciplinary sanctions imposed by the *SIC* related to the *CSSP*; and
 - d) recognize and enforce the disciplinary sanctions imposed by the *SIC* and/or a *Chapter*.
4. *Chapters* will:
 - a) provide copies of discipline and appeal decisions involving *Organizational Participants* to SOC;
 - b) recognize and enforce the disciplinary sanctions imposed by SOC and/or the *SIC* related to the *CSSP*; and
 - c) update their governing documents to reference the reciprocity procedures described herein.

Sanctioned Event Discipline Procedure

** This Sanctioned Event Discipline Procedure does not supersede or replace the Discipline and Complaints Policy **

Purpose

1. SOC is committed to providing a competition environment in which all *Organizational Participants* are treated with respect. This Procedure outlines how alleged misconduct during a *Sanctioned Event* will be handled.

Scope and Application

2. This Procedure will be applied to all *Sanctioned Events* designated by SOC as using this Procedure.
3. If the *Sanctioned Event* is being sanctioned by an organization other than SOC (e.g., by an international federation), the procedures for event discipline of the host organization will replace this procedure.
4. Incidents involving *Organizational Participants* connected with SOC (such as *Athletes*, *Volunteers*, and directors and officers) must still be reported by the head coach or team representative to SOC to be addressed under the *Discipline and Complaints Policy*, if necessary.
5. This Procedure does not replace or supersede the *Discipline and Complaints Policy*. Instead, this Procedure works in concert with the *Discipline and Complaints Policy* by outlining, for a designated person with authority at a *Sanctioned Event* sanctioned by SOC, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of the *Code*.
6. Any actions or behaviours during a *Sanctioned Event* that may be reasonably considered “*Prohibited Behaviour*” or “*Maltreatment*” (as defined in the *UCCMS*) when the *Respondent* is an *Organizational Participant* who has been designated by SOC or a *Program Signatory* as a *CSSP Participant* (as defined in the *Discipline and Complaints Policy* or applicable policy), will be reported to the *SIC*, subject to the rights of SOC as set out in this policy to take immediate action, and any applicable *Workplace* policies.

Misconduct During Sanctioned Events

7. Incidents that violate or potentially violate the *Code* or applicable conduct standards, which can occur during a competition, away from the area of competition, or between *Parties* connected to the *Sanctioned Event*, shall be reported to the designated person (usually the chief official) responsible at the *Sanctioned Event*.
8. The designated person at the *Sanctioned Event* shall use the following procedure to address the incident that violated or potentially violated the *Code*:

- a) notify the involved *Parties* that there has been an incident that violated or potentially violated the *Code*;
 - b) convene a *Sanctioned Event* Discipline Panel of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether the *Code* has been violated;
 - c) The *Sanctioned Event* Discipline Panel will interview and secure statements from any witnesses to the alleged violation;
 - d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate;
 - e) The *Sanctioned Event* Discipline Panel will attempt to secure a statement from the person(s) accused of the violation;
 - f) The *Sanctioned Event* Discipline Panel will render a decision and determine a possible penalty; and
 - g) The Chairperson of the *Sanctioned Event* Discipline Panel will inform all *Parties* of the *Sanctioned Event* Discipline Panel's decision.
9. The penalty determined by the *Sanctioned Event* Discipline Panel may include any of the following, singularly or in combination:
- a) oral or written warning;
 - b) oral or written reprimand;
 - c) suspension from future competitions at the *Sanctioned Event*;
 - d) ejection from the *Sanctioned Event*; or
 - e) other appropriate penalty as determined by the *Sanctioned Event* Discipline Panel.
10. The *Sanctioned Event* Discipline Panel does not have the authority to determine a penalty that exceeds the duration of the *Sanctioned Event*.
11. A full written report of the incident and the *Sanctioned Event* Discipline Panel's decision shall be submitted to SOC by the Chair of the *Sanctioned Event* Discipline Panel following the conclusion of the *Sanctioned Event*.
12. A complaint and further discipline may then be applied in accordance with the *Discipline and Complaints Policy*, if necessary.
13. Decisions made pursuant to this Procedure may not be appealed.

14. This Procedure does not prohibit other *Organizational Participants* from reporting the same incident to SOC to be addressed as a formal complaint under the *Discipline and Complaints Policy* or as a report through the *CSSP* process, if applicable.
15. SOC shall record and maintain records of all reported incidents. Decisions by the *Sanctioned Event* Discipline Panel may be published according to the Publication Guidelines.

Timelines

16. The procedures outlined in this Procedure are *Sanctioned Event*-specific and therefore shall be exercised and implemented as soon as it is reasonable to do so. The final decision of the *Sanctioned Event* Discipline Panel must be reached and communicated to the *Parties* prior to the conclusion of the *Sanctioned Event* for it to be effective.
17. Decisions issued by the *Sanctioned Event* Discipline Panel after the conclusion of the *Sanctioned Event* will not be enforceable.