

SPECIAL OLYMPICS CANADA

SAFE SPORT POLICIES

Statement on Safe Sport 2

Definitions 4

Code of Conduct and Ethics 11

Appendix A – UCCMS 23

Discipline and Complaints Policy 24

Appendix A – Investigation Procedure 40

Appendix B - Publication Guidelines 44

Alternative Dispute Resolution Policy..... 47

Appeal Policy 49

Privacy Policy 57

Reciprocation Policy..... 67

Event Discipline Procedure 68

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 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.

SOC makes the following commitments to a sport environment free from Maltreatment:

- 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** – 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) **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*.
- c) **Appeal Panel** - a single person to hear and decide the appeal or at the discretion of the Case Manager, three persons may be appointed to hear and decide the complaint.
- d) **Appellant** – the party appealing a decision.
- e) **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*
- f) **Board** – The board of directors of SOC.
- g) **Bullying** – offensive behaviour and/or abusive treatment of an Organizational Participant that typically, but not always, involves an abuse of power.
- h) **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.
- i) **Canadian Centre for Ethics in Sport (CCES)** – The CCES is an independent, national, not-for-profit organization responsible for administering Canada’s Anti-Doping Program and the World Anti-Doping Code in Canada.
- j) **Chapter** – The Provincial/Territorial organization (PTSO) recognized by Special Olympics Canada to govern Special Olympics within their applicable Province/Territory.

- k) **Commercial Activity** – any particular transaction, act or conduct that is of a commercial character.
- l) **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.
- m) **Criminal Record Check (CRC)** – a search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
- n) **Days** – calendar days¹
- o) **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 the UCCMS (or other conduct rules, as applicable)
- p) **Diversity** – the presence and integration of a variety of individuals with different personal characteristics, particularly Under-Represented Groups, in a group or organization
- q) **Enhanced Police Information Check (E-PIC)** – a Criminal Record Check plus a search of Local Police Information
- r) **Event** – an event sanctioned by SOC, and which may include a social Event.
- s) **Executive Director** – The most senior staff person with SOC.
- t) **External Discipline Panel** – a panel of one or three people who are appointed by the Independent Third Party to decide on complaints that are

¹ 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, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021, is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 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, 2021.

assessed under Process #2 of this policy

- u) **Governing Documents** – SOC or a Chapter’s bylaws, policies, procedures, rules or regulations.
- v) **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.

- w) **Inclusion** – acceptance of individuals with diverse personal characteristics into a group or organization regardless of those characteristics
- x) **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.
- y) **Internal Discipline Chair** – an individual appointed by SOC to decide on complaints that are assessed under Process #1 of this policy. The Internal Discipline Chair 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) **IP Address** – a numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices
- aa) **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
- bb) **Maltreatment** – as defined in the *UCCMS*
- cc) **Minor** – as defined in the *UCCMS*
- dd) **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
- ee) **OSIC** – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- ff) **Party or Parties** – the individual(s) involved in a dispute

- gg) **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
- hh) **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 Suspension** – means that the Organizational Participant is barred temporarily from participating in in any capacity in any 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 hearing conducted pursuant to this policy
- 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) **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
- pp) **UCCMS** - *Universal Code of Conduct to prevent and address Maltreatment in Sport*, as amended from time to time by the SDRCC
- qq) **UCCMS Participant** – an individual affiliated with a Program Signatory as designated by the Program Signatory and who has signed the required consent form. UCCMS Participants may include an Athlete, a coach, an

official, an Volunteers, an employee, a Worker, or an administrator acting on behalf of, or representing the Program Signatory in any capacity.

- rr) ***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 LGBTQ community
- ss) ***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.
- tt) ***Vulnerable Participant*** or ***Vulnerable Organizational Participant*** – as defined in the UCCMS
- uu) ***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
- vv) ***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
- ww) ***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.
- xx) ***Workplace Harassment*** – a course of vexatious comment or conduct against an Organizational Participant 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.
- yy) ***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

- zz) **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
- aaa) **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 (the “Code”)

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

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

Purpose

1. The purpose of the *Code* is to ensure a safe and positive environment within the programs, business, activities, and 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 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 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) Discrimination
 - h) Failing to Report
 - i) Aiding and Abetting
 - j) Retaliation
 - k) Interference with or Manipulation of Process
 - l) 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 Events of SOC or its Chapters (as applicable);
- e) in the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or Event;
- f) in the case of individuals who are not Minors, not consume cannabis in the Workplace or in any situation associated with the Events of SOC or its Chapters (as applicable (subject to protections under applicable human rights legislation)), not consume alcohol during 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) adhere to all applicable federal, provincial/territorial, municipal and host country laws; and
- l) 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 of

directors, such as confidentiality, continue after the end of a director's or committee member's term;

- 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 on 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 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 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;

Anti-Doping²

- 19. All 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.
- 20. 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 CCES.

Retaliation, Retribution or Reprisal

- 21. It is a breach of the Code for any Organizational Participant 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.
- 22. It is also a breach of the Code for an Organizational Participant to file a complaint for the purpose of retaliation, retribution, or reprisal against any other Organizational Participant.
- 23. 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.

² 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.

Privacy

24. The collection, use and disclosure of any personal information pursuant to this policy is subject to SOC's *Privacy Policy*.

Appendix A – UCCMS

The UCCMS is available [here](#).

Discipline and Complaints Policy

PURPOSE

1. 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.
2. 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

3. 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.
4. This Policy applies to matters that may arise during the course of SOC business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with SOC and any meetings.
5. This Policy also applies to the conduct of Organizational Participants outside of SOC business, activities, and 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.
6. 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

UCCMS Participants

7. If an Organizational Participation of SOC has been designated as a UCCMS Participant by a Program Signatory under OSIC, including by SOC, any alleged Maltreatment or Prohibited Behaviour by the UCCMS Participant (as those

terms are defined in the UCCMS) that occurred or continued during the activities of a Program Signatory must be reported to the OSIC [here](#) and will be addressed pursuant to the OSIC's policies and procedures.

8. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above section, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

Organizational Participants and Violations not Involving OSIC

9. Any complaints involving alleged breaches of SOC's policies that do not fall within the jurisdiction of the OSIC may be reported by an Organizational Participant to the Independent Third Party in writing within 14 days of the occurrence of the incident.³ For the avoidance of doubt, this includes complaints referred to the Independent Third Party by the OSIC if OSIC determines that a complaint initially reported to OSIC does not fall within its jurisdiction.
10. 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 the organization.
11. A Complainant 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. 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.⁴ The confidentiality of the Complainant's identity may not be guaranteed and will not be maintained for the entirety of the complaint process.

³ This timeline may be waived at the Independent Third Party's sole discretion on provision of an explanation individual as to why they did not report their complaint within 14 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

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

MINORS

12. 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.
13. Communication from the Independent Third Party, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
14. 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.
15. 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

16. 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 Events of SOC; and
 - c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁵;

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.

- d) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

There are two different processes that may be used to hear and adjudicate complaints. If a complaint does not fall within the jurisdiction of the OSIC, the Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

Process #1 - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2
- c) Conduct contrary to the values of SOC.
- d) Non-compliance with the policies, procedures, rules, or regulations of SOC.
- e) Minor violations of the policies or bylaws of SOC.

*** The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Process #2 - The complaint contains allegations involving any of the following behaviours:

- a) repeated incidents described in Process #1;
- b) hazing;
- c) abusive, racist, or sexist comments, conduct or behaviour;

- d) incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the “Code”) or the UCCMS;
- e) major incidents of violence (e.g., fighting, attacking);
- f) pranks, jokes, or other activities that endanger the safety of others;
- g) conduct that intentionally interferes with a competition or with any Athlete’s preparation for a competition;
- h) conduct that intentionally damages the image, credibility, or reputation of SOC;
- i) consistent disregard for the by-laws, policies, rules, or regulations of SOC;
- j) major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
- k) intentionally damaging the property of SOC, or improperly handling any of SOC’s monies;
- l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or
- m) a conviction for any *Criminal Code* offense.

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

PROVISIONAL MEASURES

17. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures 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.
18. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity,

or Event only, or as otherwise determined appropriate by the designated party at the Event, if any.⁶

19. Notwithstanding the above section, SOC may determine that an alleged incident at an Event is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
20. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim 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 Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
21. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1: Handled by Internal Discipline Chair

Internal Discipline Chair

22. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair⁷ who 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. Both Parties shall also

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 Internal Discipline Chair must be unbiased and not in a conflict of interest. SOC will notify the Independent Third Party of the Internal Discipline Chair(s) as designated by the organization from time to time.

have the right to submit to the Internal Discipline Chair 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 Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
23. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: Sanctions). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
 24. The Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
 25. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of SOC. Decisions will be kept confidential by the Parties and SOC and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

PROCESS #2: Handled by Independent Third Party and External Discipline Panel

Independent Third Party

26. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. 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; and
 - c) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
27. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. If warranted based on the 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.
29. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral 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.

30. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
- a) 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 are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.
 - f) If not a Party, SOC shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, SOC may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision⁸.
 - g) The External Discipline Panel shall 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 Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.

⁸ The purpose of this provision is not to provide SOC with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide SOC with the possibility to provide the discipline panel with clarifying information in other circumstances, for example, including but not limited to, when the parties have sought a particular sanction against an individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

- h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
 - i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.
31. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
 32. The process will proceed if a Party chooses not to participate in the hearing.
 33. If a decision may affect another Organizational Participant to the extent that the other Organizational Participant would have recourse to a complaint or an appeal in their own right, that Organizational Participant will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.
 34. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

DECISION

35. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
36. 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 Chapter(s), if applicable.
37. 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.

38. 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*.
39. Once the appeal deadline in the *Appeal Policy* has expired, SOC or the Chapter (as applicable) shall publish on their website 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 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.
40. 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.
41. If the External Discipline Panel dismisses the complaint, the information referred to in Section 35 above will not be published. The information referred to in Section 35 above will be kept confidential by the Parties, the Independent Third Party, SOC 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.
42. Records of all decisions will be maintained by SOC in accordance with their Privacy Policy.
43. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - 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.
44. 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

45. When determining the appropriate sanction, the Internal Discipline Chair 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 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.
46. 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. Organizational Participant
47. The Internal Discipline Chair 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, 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, Event, or competition sponsored by, organized by, or under the auspices of SOC
 - 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.
48. The Internal Discipline Chair or External Discipline Panel, as applicable, 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.

49. 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; and
 - c) any offence of physical violence.
50. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension from SOC until such time as compliance occurs.

OSIC SANCTION

51. SOC will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") against an Organizational Participant will be implemented and respected within SOC's jurisdiction if SOC receives appropriate notice of any sanction or measure from the OSIC against and Organizational Participant.

APPEALS

52. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

CONFIDENTIALITY

53. The disciplinary process is confidential and involves only SOC, the Chapter (where applicable) the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.
54. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 53 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 Suspension

or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

55. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

TIMELINES

56. 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.

STATISTICAL REPORTING

57. 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 Internal Discipline Chair 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

58. The collection, use and disclosure of any personal information pursuant to this policy is subject to SOC's *Privacy Policy*.
59. SOC, its Chapters, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with SOC's *Privacy Policy* (or, in the case if a Chapters, the Chapters' *Privacy Policy*) in the performance of their services under this policy.

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.

Investigation

2. 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.
3. Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a 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.
4. 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

5. 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.
6. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).
7. 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.
8. 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.
9. 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

10. 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.
11. 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 OSIC.

False Allegations

12. 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.
13. 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 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

14. 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

15. The collection, use and disclosure of any personal information pursuant to this policy is subject to SOC's *Privacy Policy*.
16. SOC, its Chapters, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with SOC's *Privacy Policy* (or, in the case of 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 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, or the appeal period has pass, as applicable.
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 disciplinary decision to an organization as required by the *Reciprocation Policy*. Parties who receive a copy of a disciplinary decision 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 disciplinary decision, SOC will, unless otherwise directed by the External Discipline Panel, make the disciplinary decision publicly available on their website or by any other means, such as social media channels, deemed appropriate by SOC.
6. Decisions will be posted in accordance with the following:
 - a) Where a sanction or discipline 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 years.
 - b) If there a sanction or discipline involves a period of ineligibility, the decision will be posted for the period of ineligibility plus two years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
 - c) All publications shall take place following the completion of the complaint process. In exceptional circumstances, publication 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 decision.

- d) The publishing of interim suspensions and/or provisional measures will only take place in exceptional circumstances described above in subsection (e).
 - e) Publication bans are standard while a complaint is in progress with SOC. All information except for information already publicly available or released 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 disciplinary decision, SOC will remove any confidential or sensitive material from the disciplinary decision, 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 disciplinary decision.
 8. Matters which are resolved prior to a decision of a panel being issued will not be subject to publication, though SOC may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of SOC.
 9. SOC will publish a summary of the disciplinary decision. This summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.
 10. Identifying information regarding Minor or Vulnerable Organizational Participants will never be published by SOC.
 11. Disciplinary decisions involving sanctions imposed by the OSIC will be published according to the guidelines established by the OSIC.
 12. Nothing in the above prohibits SOC from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including Minor or Vulnerable Organizational Participant, as required by the *Reciprocation Policy*. If a Minor or Vulnerable Organizational Participant is sanctioned and/or disciplined under a disciplinary decision, any organization who receives notification of this disciplinary

decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.

13. Records of all decisions will be maintained by SOC in accordance with the *Privacy Policy*.

Alternative Dispute Resolution Policy

Purpose

1. SOC supports the principles of Alternative Dispute Resolution (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 appeals or complaints, or with litigation.
2. SOC encourage all Organizational Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. SOC believe that negotiated settlements are most often preferable to arbitrated outcomes.
3. Negotiated resolutions to disputes with and among Organizational Participants are strongly encouraged.

Application of this Policy

4. This policy applies to all Organizational Participants.
5. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

6. If all parties to a dispute and SOC agree to ADR, a mediator or facilitator shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the settlement shall be reported to SOC for approval if it involves any action by SOC before execution. Any actions that are to take place because of the settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.

9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final and Binding

10. Any negotiated settlement will be binding on the parties.
11. Negotiated settlements may not be appealed.

Appeal Policy

Purpose

1. This *Appeal Policy* provides Organizational Participants with a fair and expedient appeal process with respect to certain decisions made by SOC.

Scope and Application of this Policy

2. This policy applies to all Organizational Participants.
3. Any Organizational Participant who is directly affected by a decision made by SOC or an External Discipline Panel, as applicable, 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.
4. This policy **will apply** to decisions from SOC relating to:
 - a) eligibility;
 - b) selection;
 - c) conflict of interest;
 - d) discipline; and
 - e) membership.
5. 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) decisions made by the OSIC;
- i) the Organization's operational structure and committee appointments;
- j) decisions or discipline arising within the business, activities, or 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);
- k) commercial matters for which another appeals process exists under a contract or applicable law;
- l) decisions made under this policy.

Timing of Appeal

6. 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, in writing to SOC, the following:
 - 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.
7. An 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

8. 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 the Respondent:
- 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, including by failing to consider relevant information or taking into account irrelevant information in making the decision.
9. The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, the occurrence of one of the circumstances set out in Section 8 of this Policy and that such circumstances had, or may reasonably have had, a material effect on the decision or decision-maker.

Screening of Appeal

10. The parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*, if appropriate in the circumstances.
11. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
12. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, SOC will, upon receiving appropriate notice and all information in accordance with section 6 above appoint an independent Appeal Manager (who must not be in a conflict of interest 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.
13. 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.
14. 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 Arbitrator, to hear the appeal.
15. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

Determination of Affected Parties

16. 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 Appeal Hearing

17. 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.
18. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
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 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 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 Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
 - f) The 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.
- h) The decision to uphold or reject the appeal will be by a majority vote of Panel members.

20. In fulfilling its duties, the 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 Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The 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 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 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 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 unless decided otherwise by the Panel.

Timelines

25. 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 Panel may direct that these timelines be revised.

Confidentiality

26. The appeals process is confidential and involves only the parties, SOC, the Appeal Manager, the Panel, and any independent advisors to the 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 a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law
27. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 26 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 a Provisional Suspension or interim 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. No action or legal proceeding will be commenced against SOC or Organizational Participants in respect of a dispute, unless SOC have refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

30. The decision of the Panel will be binding on all Parties and on all Individuals and not subject to further appeal.
31. The decision of the Panel will be binding on all Parties and on all Individuals, subject to the right of any Party to seek a review of the Panel's decision pursuant to the rules of the SDRCC.

Privacy Policy

General

1. **Background** – Privacy of personal information is governed by the federal *Personal Information Protection and Electronics Documents Act* ("PIPEDA"). This policy describes the way that SOC collects, uses, safeguards, discloses, and disposes of personal information, and states SOC's commitment to collecting, using, and disclosing personal information responsibly. This policy is based on the standards required by PIPEDA and SOC's interpretation of these responsibilities.
2. **Purpose** – The purpose of this policy is to govern the collection, use and disclosure of personal information during commercial activities in a manner that recognizes the right to privacy of Organizational Participants with respect to their personal information and the need of SOC to collect, use or disclose personal information.

Application of this Policy

3. **Application** – This policy applies to Representatives in connection with personal information that is collected, used, or disclosed during any commercial activity related to SOC.
4. **Ruling on Policy** – Except as provided in the *Act*, the Board of Directors of SOC will have the authority to interpret any provision of this policy that is contradictory, ambiguous, or unclear.

Obligations

5. **Statutory Obligations** – SOC is governed by the PIPEDA in matters involving the collection, use and disclosure of personal information.
6. **Additional Obligations** – In addition to fulfilling all requirements of the *Act*, SOC and its Representatives will also fulfill the additional requirements of this policy. Representatives of SOC will not:
 - a) disclose personal information to a Third Party during any business or transaction unless such business, transaction or other interest is properly consented to in accordance with this policy;

- b) knowingly place themselves in a position where they are under obligation to any organization to disclose personal information;
- c) in the performance of their official duties, disclose personal information to family members, friends or colleagues, or to organizations in which their family members, friends or colleagues have an interest;
- d) derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with SOC; or
- e) accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of Personal Information.

Accountability

- 7. Privacy Officer – The Privacy Officer is responsible for the implementation of this policy and monitoring information collection and data security and for ensuring that all staff receives appropriate training on privacy issues and their responsibilities. The Privacy Officer also handles personal information access requests and complaints. The Privacy Officer may be contacted as follows:

Special Olympics Canada (“SOC”)

21 St Clair Avenue East, Suite 600, Toronto, ON, M4T 1N5

Tel: (416) 927-9050, ext. 4382

Email: bolafsson@specialolympics.ca

- 8. Duties – The Privacy Officer will:
 - a) implement procedures to protect personal information;
 - b) establish procedures to receive and respond to complaints and inquiries;
 - c) record all persons having access to personal information;
 - d) ensure any third-party providers abide by this policy; and
 - e) train and communicate to staff information about SOC’s privacy policies and practices.

9. Employees – SOC shall be responsible to ensure that the employees, contractors, agents, or otherwise of SOC are compliant with the *Act* and this policy.

Identifying Purposes

10. Purpose – Personal information may be collected from Representatives and prospective Representatives for purposes that include, but are not limited to, the following:

Communications:

- a) sending communications in the form of e-news or a newsletter with content related to SOC programs, events, fundraising, activities, discipline, appeals, and other pertinent information;
- b) publishing articles, media relations and postings on SOC website, displays or posters;
- c) award nominations, biographies, and media relations;
- d) communication within and between Representatives;
- e) discipline results and long-term suspension list;
- f) checking residency status; and
- g) posting images, likeness or other identifiable attributes to promote SOC.

Registration, Database Entry and Monitoring:

- a) registration of programs, events and activities;
- b) database entry at the Coaching Association of Canada and to determine level of coaching certification coaching qualifications and coach selection;
- c) database entry to determine level of officiating certification and qualifications;
- d) determination of eligibility, age group and appropriate level of play/competition;

- e) athlete Registration, outfitting uniforms, and various components of athlete and team selection;
- f) technical monitoring, officials training, educational purposes, sport promotion, and media publications;
- g) selection;
- h) implementation of anti-doping policies and drug testing;
- i) implementation of classification; and
- j) technical monitoring, coach/club review, officials training, educational purposes, media publications, and sport promotion.

Sales, Promotions and Merchandising:

- a) purchasing equipment, coaching manuals, resources and other products; and
- b) promotion and sale of merchandise.

General:

- a) travel arrangement and administration;
- b) implementation of SOC's screening program;
- c) medical emergency, emergency contacts or reports relating to medical or emergency issues;
- d) determination of membership demographics and program wants and needs;
- e) managing insurance claims and insurance investigations;
- f) video recording and photography for personal use, and not commercial gain, by spectators, parents, and friends;
- g) video recording and photography for promotional use, marketing and advertising by SOC; and

- h) payroll, honorariums, company insurance and health plans.
- 11. Purposes not Identified – SOC shall seek consent from individuals when personal information is used for Commercial Activity not previously identified. This consent will be documented as to when and how it was received.

Consent

- 12. Consent – SOC shall obtain consent by lawful means from individuals at the time of collection and prior to the use or disclosure of this information. SOC may collect personal information without consent where reasonable to do so and where permitted by law.
- 13. Implied Consent – By providing personal information to SOC, Organizational Participants are consenting to the use of the information for the purposes identified in this policy.
- 14. Withdrawal – An individual may declare to the Privacy Officer in writing to withdraw consent to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions. SOC will inform the Organizational Participant of the implications of such withdrawal.
- 15. Legal Guardians – Consent shall not be obtained from individuals who are minors, seriously ill, or mentally incapacitated and therefore shall be obtained from a parent, legal guardian or person having power of attorney of such an individual.
- 16. Exceptions for Collection – SOC is not required to obtain consent for the collection of personal information if:
 - a) it is clearly in the Organizational Participant’s interests and consent is not available in a timely way;
 - b) knowledge and consent would compromise the availability or accuracy of the information and collection is required to investigate a breach of an agreement or contravention of a federal or provincial law;
 - c) the information is for media or journalistic purposes; or
 - d) the information is publicly available as specified in the Act.

17. Exceptions for Use – SOC may use personal information without the Organizational Participant’s knowledge or consent only:
- a) if SOC has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
 - b) for an emergency that threatens an individual's life, health or security;
 - c) aggregate information for statistical or scholarly study or research;
 - d) if it is publicly available as specified in the *Act*;
 - e) if the use is clearly in the individual's interest and consent is not available in a timely way; or
 - f) if knowledge and consent would compromise the availability or accuracy of the information and collection was required to investigate a breach of an agreement or contravention of a federal or provincial law.
18. Exceptions for Disclosure – SOC may disclose personal information without the individual's knowledge or consent only:
- a) to a lawyer representing SOC;
 - b) to collect a debt the individual owes to SOC;
 - c) to comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
 - d) to a government institution that has requested the information, identified its lawful authority, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial or foreign law; or that suspects that the information relates to national security or the conduct of international affairs; or is for the purpose of administering any federal or provincial law;
 - e) to an investigative body named in the *Act* or government institution on SOC’s initiative when SOC believes the information concerns a breach of an agreement, or a contravention of a federal, provincial, or foreign law,

or suspects the information relates to national security or the conduct of international affairs;

- f) to an investigative body for the purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law;
- g) in an emergency threatening an individual's life, health, or security (SOC must inform the individual of the disclosure);
- h) aggregate information for statistical, scholarly study or research;
- i) to an archival institution;
- j) 20 years after the individual's death or 100 years after the record was created;
- k) if it is publicly available as specified in the regulations; or
- l) if otherwise required by law.

Limiting Collection, Use, Disclosure and Retention

- 19. Limiting Collection, Use and Disclosure – SOC shall not collect, use or disclose personal information indiscriminately. Information collected will be for the purposes specified in this policy, except with the consent of the individual or as required by law.
- 20. Retention Periods – Personal information shall be retained as long as reasonably necessary to enable participation in SOC, to maintain accurate historical records and or as may be required by law.
- 21. Destruction of Information – Documents shall be destroyed by way of shredding and electronic files will be deleted in their entirety.

Safeguards

- 22. Safeguards – Personal information shall be protected by security safeguards appropriate to the sensitivity of the information against loss or theft, unauthorized access, disclosure, copying, use or modification.

Breaches

23. Breaches – SOC is required to report breaches of its security safeguards and any unauthorized disclosure of, or access to, personal information to the Office of the Privacy Commissioner if the breach, disclosure, or access may pose a “real risk of significant harm” to an individual. A “real risk of significant harm” is defined as: *“Bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property”*.
24. Reporting – SOC will report the breach or unauthorized access or disclosure to the Office of the Privacy Commissioner in the form and format specified by the Office of the Privacy Commissioner or will be subject to financial penalties.
25. Records and Notification – In addition to reporting the breach or unauthorized access or disclosure, SOC will keep records of the breach and inform affected individuals.

Individual Access

26. Access – Upon written request, and with assistance from SOC, an individual may be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. Further, an individual is entitled to be informed of the source of the personal information along with an account of third parties to whom the information has been disclosed.
27. Response – Requested information shall be disclosed to the individual within 30 days of receipt of the written request at no cost to the individual, or at nominal costs relating to photocopying expenses, unless there are reasonable grounds to extend the time limit.
28. Denial – An individual may be denied access to his or her personal information if the information:
 - a) cannot be disclosed for legal, security, or commercial proprietary purposes; or
 - b) is subject to solicitor-SOC privilege or litigation privilege.

29. Reasons – Upon refusal, SOC shall inform the individual the reasons for the refusal and the associated provisions of the *Act*.
30. Identity – Sufficient information shall be required to confirm an individual's identity prior to providing that individual an account of the existence, use, and disclosure of personal information.

Challenging Compliance

31. Challenges – An individual shall be able to challenge compliance with this policy and the *Act* to the designated individual accountable for compliance.
32. Procedures – Upon receipt of a complaint SOC shall:
 - a) record the date the complaint is received;
 - b) notify the Privacy Officer who will serve in a neutral, unbiased capacity to resolve the complaint;
 - c) acknowledge receipt of the complaint by way of written communication and clarify the nature of the complaint within three (3) days of receipt of the complaint;
 - d) appoint an investigator using Organization personnel or an independent investigator, who shall have the skills necessary to conduct a fair and impartial investigation and shall have unfettered access to all relevant file and personnel, within ten (10) days of receipt of the complaint;
 - e) upon completion of the investigation and within twenty-five (25) days of receipt of the complaint, the investigator will submit a written report to SOC; and
 - f) notify the complainant to the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures within thirty (30) days of receipt of the complaint.
33. Whistleblowing – SOC shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any director, officer, employee, committee member Volunteer, trainer, contractor, and other decision-maker within SOC or deny

that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:

- a) disclosed to the commissioner that SOC has contravened or is about to contravene the *Act*;
- b) has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the *Act*; or
- c) has refused to do or stated an intention of refusing to do anything that is in contravention of the *Act*.

IP Address

34. IP Address – SOC does not collect, use, or disclose personal information such as IP Addresses.

Applicable Law

35. Applicable Law – SOC website is created and controlled by SOC in the Province of Ontario. As such, the laws of the Province of Ontario shall govern these disclaimers, terms, and conditions.

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; and
 - c) recognize and enforce the disciplinary sanctions imposed by the OSIC and/or a Chapter.
4. Chapters will:
 - a) provide copies of discipline and appeal decisions involving Organizational Participants to SOC;
 - b) for discipline decisions provided to a Chapter by SOC, determine per its own policies whether to initiate further action against the Organizational Participant(s) named in the decision;
 - c) recognize and enforce the disciplinary sanctions imposed by SOC and/or the OSIC; and
 - d) update their governing documents to reference the reciprocity procedures described herein.

Event Discipline Procedure

**** This *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 an Event will be handled.

Scope and Application

2. This Procedure will be applied to all Events designated by SOC as using this Procedure.
3. If the 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 an 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 an Event that may be reasonably considered “Prohibited Behaviour” or “Maltreatment” (as defined in the UCCMS) when the Respondent is a Registered Participant who has been designated by SOC or a Program Signatory as a UCCMS Participant (as defined in the *Discipline and Complaints Policy* or applicable policy), will be reported to the OSIC, subject to the rights of SOC as set out in this policy to take immediate action, and any applicable workplace policies.

Misconduct During 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 Event, shall be reported to the designated person (usually the chief official) responsible at the Event.
8. The designated person at the 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 an 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 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 Event Discipline Panel will attempt to secure a statement from the person(s) accused of the violation;
 - f) The Event Discipline Panel will render a decision and determine a possible penalty; and
 - g) The Chairperson of the Event Discipline Panel will inform all parties of the Event Discipline Panel's decision.
9. The penalty determined by the 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 Event;
 - d) ejection from the Event; or
 - e) other appropriate penalty as determined by the Event Discipline Panel.
10. The Event Discipline Panel does not have the authority to determine a penalty that exceeds the duration of the Event.
 11. A full written report of the incident and the Event Discipline Panel's decision shall be submitted to SOC by the Chair of the Event Discipline Panel following the conclusion of the 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 to the OSIC.
 15. SOC shall record and maintain records of all reported incidents. Decisions by the Event Discipline Panel may be published according to the Publication Guidelines.

Timelines

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