CATEGORY: 3.0 Governance & Leadership **SECTION: 3.3 Discipline and Disputes**				
POLICY: 3.3.2 Discipline and Complaints Policy	**APPROVED: August 1, 2018**	**REVISED: March 25, 2021; January 30, 2023 May 13, 2025**	**REVIEW DATE:**	**PAGES: 17**

DEFINITIONS

1. Terms in this Policy are defined as follows:

    a) ***Athlete*** – An individual who is an Athlete participant in the Canadian Cerebral Palsy Sports Association (CCPSA) who is subject to the policies of the CCPSA.

    b) ***CCES*** **-** The Canadian Centre for Ethics in Sport (CCES) is an independent, national, not-for-profit, multi-sport organization with a vision of fair, safe, accessible, and inclusive sport for everyone.

    c) ***Complainant*** – An individual who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the CCPSA's policies, by-laws, rules or regulations, or the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).

    d) ***External Discipline Panel*** – A Panel of one or three people who are appointed by the Independent Third Party (or designate) to decide on complaints that are assessed under Process #2 of this Policy.

    e) ***Event*** - An event sanctioned by the CCPSA, and which may include a social Event.

    f) ***Harassment*** – A vexatious comment (or comments) or conduct against an Organizational Participant or group, regardless of whether the comment or conduct occurs in person or via any other media, including social media, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

        i. Written or verbal Abuse, threats, or outbursts;

        ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;

iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;

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 endanger a person's safety, or which may negatively affect performance;

vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;

viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;

ix. Deliberately excluding or socially isolating a person from a group or team;

x. Persistent sexual flirtations, advances, requests, or invitations;

xi. Physical or sexual assault;

xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and

xiii. Retaliation or threats of retaliation against a person who Reports harassment to the CCPSA.

g) ***Independent Third Party*** – the individual retained by the CCPSA to receive Reports and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy*. This individual must not be in a conflict of interest.

h) ***Internal Discipline Chair*** – An individual appointed by the CCPSA 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 the CCPSA but must not be in a conflict of interest.

i) ***Maltreatment*** – as defined in the *UCCMS*

j) ***Minor*** – as defined in the *UCCMS.*

k) ***Parties –*** the Complainant(s) and Respondent(s).

l) ***Organizational Participant*** – Refers to all categories of individual members and/or registrants

defined in the By-laws of the CCPSA who are subject to the policies of the CCPSA, as well as all people employed by, contracted by, or engaged in activities with, the CCPSA including, but not limited to, employees, contractors, Athletes, coaches, instructors, Integrated Support Team (IST), performance partners/sport assistant, officials (referees, classifiers, technical delegate), volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.

m) ***Person in Authority*** – Any **CSSP** Participant who holds a position of authority within the CCPSA including, but not limited to, employees, coaches, managers, support personnel, officials (referees, classifiers, technical delegate), integrated support team/medical, performance partners/sport assistants, chaperones, volunteers, Committee members, staff, and Directors and Officers.

n) ***Power Imbalance*** – as defined in the *UCCMS*

o) **Provincial/territorial partner** – Recognized by CCPSA as the Provincial Sport Organization (PSO) for boccia and developing the sport in their Province.

p) ***Provisional Suspension*** – means that the Organizational Participant is barred temporarily from participating in in any capacity in any Event or activity of the CCPSA, or as otherwise decided pursuant to the *Discipline and Complaints Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.

q) ***Respondent*** – The Party responding to the complaint.

r) ***UCCMS*** - *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the **CCES.**

s) ***CSSP Participant*** - An Organizational Participant affiliated with the CCPSA who has been a) designated by the CCPSA and b) who has signed the required consent form. CSSP Participants may include an athlete, a coach, an official, an athlete support personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing the CCPSA in any capacity.

t) ***Vulnerable Individual*** - Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority).

PURPOSE

2. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of the CCPSA, as updated, and amended from time to time.

3. Non-compliance with any of the CCPSA's policies, by-laws, rules, or regulations, as applicable, may result in the imposition of sanctions pursuant to this Policy or the by-laws of the CCPSA.

APPLICATION

4. This Policy applies to all Organizational Participants and to any alleged breaches of the CCPSA's policies, by-laws, rules, or regulations that designate this Policy as applicable to address such alleged breaches.

5. In addition to being subject to disciplinary action pursuant to this Policy, an employee of the CCPSA who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or policies for human resources, if applicable.

6. An Organizational Participant, who is a Worker, who believes that a staff member or Director has committed Wrongdoing (as described in the *Whistleblower Policy*) may report the alleged incident(s) to the Compliance Officer or Alternate Liaison (as further described in the *Whistleblower Policy).*

REPORTING

CSSP Participants

7. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred or continued as of [April 1st 2025 involving a CSSP Participant must be reported to the CCES (https://cces.ca/report-safe-sport) and will be addressed pursuant to the CCES policies and procedures.

8. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before April, 1st, 2025 may be reported to the CCES; however, the CCES shall determine the admissibility of such complaints in accordance with the relevant and applicable CSSP Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the CCES's procedures with the express consent of the Parties involved where the Parties have not been designated by the CCPSA as a CSSP Participant.

9. If the CCPSA's Independent Third Party receives a Complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the CCES and notify the individual(s) that made the Complaint of such action.

Organizational Participants

10. Any complaints involving alleged breaches of the CCPSA's policies that do not fall within Sections 7 or 8 above may be reported to the Independent Third Party in writing.

https://sportdispute.com/

11. Notwithstanding any provision in this Policy, the CCPSA 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, the CCPSA will identify an individual to represent the CCPSA.

12. 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, the Independent Third Party may ask that the CCPSA take carriage of the complaint and act as the Complainant.[1]

13. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by the CCPSA if a provincial/territorial partner is otherwise unable to manage the complaint for valid and justifiable

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

reasons, such as a conflict of interest, due to a lack of capacity or where the provincial/territorial partner does not have policies in place to address the complaint. In such circumstances, the CCPSA shall have the right to request that a cost-sharing agreement be entered into with the provincial/territorial partner.

14. Where the Independent Third Party refers a matter to be managed by a provincial/territorial partner, or where a provincial/territorial partner is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the provincial/territorial partner fails to conduct disciplinary proceedings within a reasonable timeline, the CCPSA may, at its discretion, take jurisdiction of the matter and conduct the proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that the CCPSA acted reasonably in taking jurisdiction over the matter, the CCPSA's may request the costs to conduct the proceedings, including legal fees, shall be reimbursed by the provincial/territorial partner to the CCPSA.

MINORS

15. 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.

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

17. 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.

18. 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

19. 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;

    b) Determine the appropriate jurisdiction to manage the complaint by considering the following:

        i. whether the incident occurred within the business, activities, or Events of the CCPSA, or one of its provincial/territorial partners; and

        ii. if the provincial/territorial partner is able to manage the complaint process[2].

[2] In making this assessment, the Independent Third Party may determine that the provincial/territorial partner lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the provincial/territorial partner is not the appropriate jurisdiction to manage the complaint due to its seriousness (for example, clubs should not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the provincial/territorial partner.

If the Independent Third Party determines that the Complaint or Report should be handled by a Member, PTSO or affiliated organization, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, PTSO or affiliated organization, any reference to Independent Third Party shall be understood as a reference to the Independent Third Party of the PTSO

c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith[3];

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 PROCESSES

There are two different processes that may be used to hear and adjudicate complaints. The Independent Third Party decides which process should 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 Individual, in which case the matter will be addressed under Process #2

c) Conduct contrary to the values of the CCPSA

d) Non-compliance with the policies, procedures, rules, or regulations of the CCPSA

e) Minor violations of the policies or bylaws of the CCPSA

*** 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 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* or the UCCMS

e) Major incidents of violence (e.g., fighting, attacking)

f) Pranks, jokes, or other activities that endanger the safety of others

or affiliated organization.

[3] 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.

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 the CCPSA

i) Consistent disregard for the by-laws, policies, rules, and regulations of the CCPSA

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 the CCPSA or improperly handling the CCPSA's monies

l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics

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 SUSPENSIONS

20. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Organizational Participant by the CCPSA Executive Director or Board of Directors after which further discipline or sanctions may be applied according to this Policy.

21. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. When applied at a competition, a Provisional Suspension or sanction may be for the duration of the competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party.

22. Notwithstanding the above, the CCPSA and/or Independent Third Party may determine that an alleged incident 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.

23. 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, the CCPSA 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.

24. 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

25. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair[4] 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 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 have the right to be present when such submissions are made; 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, if the Internal Discipline Chair deems it appropriate.

26. 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 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 or there is insufficient evidence to prove that the incidents occurred, they shall dismiss the Complaint.

27. The Independent Third Party will inform the Parties of the 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, written decision, either orally or in writing, followed by a written reasoned decision.

28. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the CCPSA. Decisions will be kept confidential by the parties and the CCPSA and shall be retained and discarded in accordance with the relevant and applicable privacy legislation and/or applicable policy.

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

Independent Third Party

29. 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 deemed appropriate. Alternatively, the Independent Third Party may appoint a designate to handle the responsibilities described in this section.

[4] The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.

References to 'Independent Third Party' in Process #2 then apply to the Independent Third Party's designate, if appointed, instead. 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 the CCPSA or any other sport organization that had authority over the Respondent

c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

30. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

31. If warranted based on the severity of the allegations and at the Independent Third Party's sole discretion, an External Discipline Panel of three (3) people may be appointed. 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.

32. 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.

33. 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 guidelines will apply to the hearing:

a) The determination of procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible to ensure that costs to the Parties and the CCPSA 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

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, the CCPSA 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, the

CCPSA may make submissions at the hearing or may provide the External Discipline Panel with clarifying information that may be required for the Panel to render its decision[5]

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

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

34. If the Respondent acknowledges the facts of the incident, 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.

35. The process will proceed in any event, even if a Party chooses not to participate in the hearing.

36. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

DECISION

37. 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 Reported complaint will be dismissed.

38. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all parties by the Independent Third Party (or designate), including to the CCPSA.

39. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.

    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 the CCPSA and all of its provincial/territorial partners.

[5] The purpose of this provision is not to provide the CCPSA 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 the CCPSA with the possibility to provide the Panel with clarifying information when the parties have sought a particular sanction against an Organizational Participant, 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 Panel imposing a sanction that is unenforceable.

40. Unless the matter involves a Vulnerable Individual, once the appeal deadline in the *Appeal Policy* has expired, the CCPSA may 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. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Individuals will never be published.

41. If the Panel dismisses the Reported complaint, the information referred to in the above section may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in the section above will be kept confidential by the Parties, the Independent Third Party, the CCPSA and shall be retained and discarded in accordance with the relevant and applicable privacy legislation and the CCPSA's policies. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Discipline and Complaints Policy*.

42. Other individuals or organizations, including but not limited to provincial/territorial partners, provincial/territorial organizations in other sports, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

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

44. 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) The specific provision(s) of the CCPSA's policies, bylaws, rules or regulations that have been breached;

    d) Which Party 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 sanctioned individual must satisfy (if any);

    g) Which organization is responsible for ensuring that conditions (if any) have been satisfied; and,

    h) Any other guidance that will assist the Parties to implement the External Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Panel regarding the decision 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 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 or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of the CCPSA;

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 of Conduct and Ethics*; 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.

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 and formal admonition that an Organizational Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Organizational Participant be involved in other violations

b) **Education** - The requirement that an Organizational Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics* or the UCCMS

c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* or the UCCMS occur during the probationary period, will result in additional disciplinary measures, likely including 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** - 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 the CCPSA. A suspended Organizational Participant is eligible to return to participation,

but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant 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 the CCPSA

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, 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 or expulsion from membership or registration

    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 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 conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with the CCPSA. Such *Criminal Code* offences may include, but are not limited to:

    a) Any child pornography offences

    b) Any sexual offences

    c) Any offence of physical violence

50. Unless the External Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal.

51. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

CCES SANCTION

52. As an NSO who has adopted the CSSP Rules, the CCPSA will ensure that any sanctions or measures imposed by the CCES will be implemented and respected within the CCPSA's jurisdiction (including at the provincial, territorial and club level) once the CCPSA receives appropriate notice of any sanction or measure from the CCES.

APPEALS

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

CONFIDENTIALITY

54. The disciplinary process is confidential and involves only the CCPSA, the Parties, the Independent Third Party (and any designates), the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External Discipline Panel.

55. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or Complaint to any person not involved in the proceedings, unless the CCPSA 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.

56. 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

57. 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.

PRIVACY

58. The collection, use and disclosure of any personal information pursuant to this Policy is subject to the CCPSA's *Privacy Policy*.

59. The CCPSA, or any of its delegates pursuant to this Policy (i.e., Independent Third Party (and any designate), Internal Discipline Chair, External Discipline Panel), shall comply with the CCPSA's *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 *Discipline and Complaints Policy* and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident should be investigated.

Investigation

2. The Independent Third Party will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.

3. Federal and/or Provincial/Territorial 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 Federal and/or Provincial/Territorial legislation. The investigation may include:

    a) Interviews with the Complainant

    b) Witness interviews

    c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent

    d) Interviews with the Respondent

    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 report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* or the UCCMS occurred. The Investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).

6. The Investigator's Report will be provided to the Independent Third Party who will disclose, at their discretion, all or part of it to the CCPSA and to External Discipline Panel. 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.

7. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, the Investigator shall advise the Complainant and the CCPSA to refer the matter to police.

8. The Investigator must also inform the CCPSA of any findings of criminal activity. The CCPSA 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 sexual crime involving Minors, fraud against the CCPSA, or other offences where the lack of reporting would bring the CCPSA into disrepute.

Reprisal and Retaliation

9. An Organizational Participant who submits a complaint to the CCPSA or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

10. 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 CCPSA, or the Organizational Participant against whom the allegations were submitted, may act as the Complainant.

Confidentiality

11. The Investigator will make reasonable efforts to preserve the anonymity of the Complainant, Respondent, and any other party. However, the CCPSA recognizes that maintaining full anonymity during an investigation may not be feasible.

Privacy

12. The collection, use and disclosure of any personal information pursuant to this Procedure is subject to the CCPSA's *Privacy Policy*.

13. The Investigator will comply with the CCPSA's *Privacy Policy* in the performance of their services under this Procedure.