



Category: 1.0 Governance & Strategic Direction Policies			
Section: 1.9 General Policies			
Policy: 1.9.2 Conduct and Discipline Policy	<b>Approved:</b> Sept.'97	<b>Revised:</b> June 2000, July 2001, Nov. 2003, Nov 2015, Jan 2016, July 2019, June 2020, January 30, 2021	Pages: 16

Definitions ..... 1

Purpose..... 2

Application of this Policy ..... 3

Responsibilities of Individuals ..... 3

Responsibilities of Coaches ..... 4

Responsibilities of Athletes..... 6

Responsibilities of Parents/Guardians ..... 6

Prohibited Conduct ..... 7

Informal Resolution ..... 9

Reporting a Complaint..... 9

Procedures ..... 10

Alternative Dispute Resolution ..... 11

Investigation..... 11

Discipline Panel and Hearing ..... 12

Optional Preliminary Meeting ..... 12

Documentary Review Hearing ..... 13

Oral Hearing..... 13

Decision ..... 14

Sanctions ..... 14

Timelines ..... 15

Confidentiality..... 15

Records and Distribution of Decisions ..... 16

Appeals Procedure ..... 16

Criminal Infractions..... 16

**Definitions**

1. This policy adopts the terms and definitions in the Universal Code of Conduct (the “UCC”) to Prevent and Address Maltreatment in Sport, as amended from time to time (the “UCC”). The following terms are defined within this policy as:
  - a) “Complainant” – the party making a Complaint under s. 17 of this policy;



- b) "Complaint" - a complaint of a breach of s. 15 of this policy made in writing to a Complaint Officer;
- c) "Complaint Officer" - means the Canadian Paralympic Committee Safe sport Officer. Should this position be vacant or unavailable for any reason then the role of Complaint Officer will defer to the CPC CEO or their designate.
- d) "CPC" - is the Canadian Paralympic Committee;
- e) "Days" - means any day of the week, including weekends and holidays;
- f) "Individuals" - means all individuals engaged in activities with the CPC including athletes, coaches, team managers, officials, volunteers, suppliers, contractors, parents/guardians, directors, officers, members, member representatives and committee members of the CPC;
- g) "Respondent" - The party alleged to have violated this policy in a Complaint;
- h) "signed" - means that the name of the Complainant has been affixed to the Complaint in any way, including by conventional or digital signature or the representation of the Complainant's name by letters; and
- i) "writing" includes words written, printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible, audible or any form and includes writing instrument and paper, email, text message, social media and mobile application.

### **Purpose**

2. The Canadian Paralympic Committee ("CPC") is committed to providing an athlete centred environment which is safe, welcoming and inclusive, where all Individuals are treated with respect and characterized by the values of fairness, integrity and open communication.
3. Membership in CPC, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the CPC's policies, bylaws, rules and regulations.
4. This policy identifies the standard of behaviour that is expected of CPC members and participants. CPC and the Individuals who comprise it are committed to being leaders on the world stage. Among other essential skills, this requires a high standard of behaviour. Irresponsible behaviour by Individuals can result in severe damage to the reputation, brand, and integrity of the CPC and Canada as a whole. Consequently, this policy is organized as follows:
  - a) Responsibilities of Individuals, athletes, coaches and parents - this part of the policy says that not living up to these responsibilities can result in consequences such as informal corrective action or a more severe sanction for an individual found by CPC under this policy to have engaged in Prohibited Conduct;



- b) Prohibited conduct - this part of the policy sets out conduct that is prohibited by CPC, that may be subject to a Complaint, and that CPC may punish an individual for engaging in;
- c) Process for making a Complaint that an Individual has engaged in Prohibited Conduct;
- d) Process for investigating and deciding whether Prohibited Conduct occurred or did not occur and what sanctions CPC will apply, if any; and
- e) Process after a decision and sanctions are implemented.

### **Application of this Policy**

- 5. This policy applies to all Individuals.
- 6. This policy only applies to Complaints or allegations that may arise during the course of CPC business, activities and events, including but not limited to the Paralympic Games (Summer & Winter) and the Parapan American Games, travel associated with CPC activities, and any CPC meetings and corporate events. This policy does not prevent and may supplement discipline from being applied by CPC or another organization.
- 7. Discipline matters and Complaints arising within the business, activities or events organized by entities other than the CPC, including its NSO Members, will be dealt with pursuant to the policies of those other entities unless otherwise requested and accepted by CPC in the sole discretion of CPC.
- 8. Nothing in this policy overrides any rights or remedies CPC employees may have, including under other CPC policies or applicable law.
- 9. If the Canadian sport system adopts processes inconsistent with this policy, CPC may recognize such a Safe Sport System by board resolution, and Safe Sport System processes will resolve any inconsistency with this policy.

### **Responsibilities of Individuals**

- 10. All Individuals are required to fulfill the responsibilities listed in this policy and failure to do so will be a breach of this policy which may result in corrective action by persons in authority. A breach of ss. 10 - 14 of this policy is not in itself the basis of a Complaint under this policy. A breach of ss. 10 - 14 of this policy is an aggravating factor in determining the sanction for Prohibited Conduct under this policy.
- 11. All Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of Individuals by:
    - (i) Demonstrating respect to individuals regardless of disability, language, body type, physical characteristics, athletic ability, gender identity, gender expression,



- ancestry, colour, ethnic or national origin, race, sexual orientation, age, marital status, religion, religious belief, political belief or economic status;
- (ii) Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, directors, officers and NSO Members;
  - (iii) Consistently demonstrating the spirit of sportsmanship, sports leadership and ethical conduct;
  - (iv) Acting, when appropriate, to prevent or correct practices that are unjustly discriminatory;
  - (v) Consistently treating individuals fairly and reasonably;
  - (vi) Ensuring that the rules of the sport, and the spirit of such rules, are adhered to;
- b) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
  - c) Take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the CPC's events;
  - d) Respect the property of others and not willfully cause damage;
  - e) Comply at all times with the Bylaws, policies, rules and regulations of the CPC, as adopted and amended from time to time;
  - f) Not be late for or absent from CPC events and activities at which attendance is expected or required;
  - g) Not engage in unsportsmanlike conduct on or off the field of play, such as angry outbursts or arguing;
  - h) Comply with the policies, procedures, rules and regulations under which CPC is governed, whether national or international;
  - i) Not create or participate in disturbances in the Athletes Village during quiet time;
  - j) Wear the appropriate clothing required of them and provided by CPC; and
  - k) Not interfere with a competition or with any athlete's preparation for competition.

### **Responsibilities of Coaches**

12. Coaches have additional responsibilities and are accountable for their conduct to organizations including CPC, Coaching Association of Canada and other applicable organizations. The athlete-coach relationship is a privileged one and plays a critical role in the personal as well as athletic development of athletes. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it. Coaches will at all times:



- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes, including educating athletes as to their responsibilities in contributing to a safe environment;
- b) 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 needs;
- c) Under no circumstances provide, promote or condone the use of prohibited drugs or performance-enhancing substances;
- d) Provide feedback to athletes, coaches, parents and administrators in a clear and respectful way, as privately as possible and with an openness to learning new information and the perspective of others;
- e) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise;
- f) At no time engage in an intimate or sexual relationship with an athlete under the age of majority.
- g) At no time engage in an intimate or sexual relationship with an athlete or individual over which the coach has a Power Imbalance, as defined in the UCCMS.
- h) Where an athlete has qualified for a training camp, provincial team, national team, etc., the coach will support the program, applicable coaching staff and the CPC;
- i) Give athletes the opportunity to discuss and contribute to proposed training and performance standards as appropriate. Provide athletes and the parents/guardians of athletes who are minors with the information necessary to be involved in the decisions that affect the athlete as appropriate;
- j) Refrain from intervening inappropriately in personal affairs that are outside the generally accepted jurisdiction of a coach;
- k) Act in the best interest of the athlete's development as a whole person;
- l) Recognize the power inherent in the position of coach and respect and promote the rights of all 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 participants who are in a vulnerable or dependent position and less able to protect their own rights;
- m) Wear proper attire and identification while actively working including clothing required and provided by CPC;
- n) Abide by the applicable rules of their sport;
- o) At all times present an enthusiastic, supportive and positive attitude;
- p) Never ridicule a participant for making a mistake during a performance or practice; and



- q) Cooperate with the administration staff and program head coaches.

### **Responsibilities of Athletes**

13. Athletes will have additional responsibilities to:

- a) Report any medical problems in a timely fashion, where such problems may limit the athlete's ability to travel, train or compete;
- b) Participate and appear on time in all competitions, practices, training sessions, events, activities or projects;
- c) Provide feedback to other athletes, athlete representatives, members of the CPC Athlete Council, coaches and administrators in a clear and respectful way, as privately as possible when required and with an openness to learning new information and the perspective of others;
- d) Properly represent themselves and not attempt to enter a competition for which they are not eligible, by reason of age, classification or other reasons;
- e) Adhere to the CPC's rules and requirements regarding clothing and equipment;
- f) Present themselves in a positive manner to all other athletes, members and coaches;
- g) Cooperate with administrative staff and coaches;
- h) Attend CPC practices and competitions in a condition to participate at one's best abilities;
- i) Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence;
- j) Never ridicule a participant for making a mistake during a performance or practice;
- k) Provide positive comments that motivate and encourage participants' continued effort;
- l) Abide by the applicable rules of their sport; and
- a) Respect and show appreciation to all competitors, and to coaches, officials, volunteers and Individuals.

### **Responsibilities of Parents/Guardians**

14. Parents/Guardians of Individuals at events will:

- a) Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence;
- b) Never ridicule a participant for making a mistake during a performance or practice;
- c) Provide positive comments that motivate and encourage participants continued effort;
- d) Respect the decisions and judgments of officials, and encourage athletes to do the same; and



- e) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers who give their time to the sport.

### **Prohibited Conduct**

15. Individuals are prohibited from engaging in the following conduct:

- a) Abusive comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, parents, staff and sponsors, including activity in and on traditional and social media;
- b) Discrimination, which means engaging in differential treatment of an Individual or group of Individuals based, in whole or in part, on:
  - (i) age;
  - (ii) ancestry;
  - (iii) citizenship;
  - (iv) colour;
  - (v) creed;
  - (vi) physical disability;
  - (vii) mental or cognitive disability;
  - (viii) ethnic origin;
  - (ix) language;
  - (x) gender expression;
  - (xi) gender identity;
  - (xii) marital/family status;
  - (xiii) offences for which a pardon has been granted or in respect of which a record suspension has been ordered;
  - (xiv) place of origin;
  - (xv) political opinion;
  - (xvi) race;
  - (xvii) receipt of public assistance;
  - (xviii) sex;
  - (xix) sexual orientation; or
  - (xx) other grounds of discrimination prohibited by provincial or federal human rights legislation or other applicable law.
- c) Pranks, jokes or other activities that endanger the safety of others;
- d) Deliberate disregard for the policies, procedures, rules and regulations under which CPC is governed, whether at the local, provincial, national or international level;
- e) Conduct which results in harm to the image, credibility or reputation of CPC, its brand or its sponsors;
- f) Use of the CPC trademarks for commercial or non-commercial purposes without the prior written consent of the CPC;
- g) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or exercise reasonable judgment; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- h) Any possession or use of illicit drugs and narcotics;



- i) Any possession or use of banned performance enhancing drugs or methods;
- j) Misrepresentation, or aiding or abetting the misrepresentation, of an athlete's abilities during classification;
- k) Betting or gambling relating to match fixing or CPC activities;
- l) Deliberately jeopardizing the safety or health of an Individual;
- m) Bullying, including:
  - (i) Spreading malicious rumours, gossip, or innuendo;
  - (ii) Excluding or isolating someone socially;
  - (iii) Intimidating a person;
  - (iv) Undermining or deliberately impeding a person's work, training or competition;
  - (v) Physically abusing or threatening abuse;
  - (vi) Removing areas of responsibilities without cause;
  - (vii) Constantly changing work, training or competition guidelines;
  - (viii) Establishing impossible deadlines or criteria that will set up an individual to fail;
  - (ix) Withholding necessary information or purposefully giving the wrong information;
- n) Harassment, including:
  - (i) comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious;
  - (ii) Written or verbal abuse, threats or outbursts;
  - (iii) The display of visual material which is offensive or which one ought to know is offensive;
  - (iv) Unwelcome remarks, jokes, comments, innuendos or taunts;
  - (v) Leering or other suggestive or obscene gestures;
  - (vi) Condescending or patronizing behaviour that is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - (vii) Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - (viii) Any form of hazing;
  - (ix) Unwanted physical contact including touching, petting, pinching or kissing;
  - (x) Unwelcome sexual flirtations, advances, requests or invitations;
  - (xi) Physical or sexual assault;



- (xii) Behaviours such as those described above that are not directed towards individuals or groups but have the same effect of creating a negative or hostile environment; or
  - (xiii) Retaliation or threats of retaliation against an individual who reports harassment.
- o) Sexual harassment, including:
- (i) unwelcome sexual comments and sexual advances, requests for sexual favors, conduct of a sexual nature or;
  - (ii) Sexist jokes;
  - (iii) Display of sexually offensive material;
  - (iv) Sexually degrading words used to describe a person;
  - (v) Inquiries or comments about a person's sex life;
  - (vi) Unwelcome sexual flirtations, advances or propositions;
  - (vii) Persistent unwanted contact;
  - (viii) Sexual assault.
- p) Any conduct prohibited by the UCC including grooming, neglect, maltreatment, physical maltreatment, psychological maltreatment or sexual maltreatment.
- q) Conviction of a criminal offense or pending criminal charges by a Canadian court or Canadian provincial court.
- r) Implementing any negative consequence, retaliation or reprisal against a Complainant for having filed a Complaint under this policy.

### **Informal Resolution**

16. CPC encourages individuals to first attempt to resolve conduct issues informally, whenever possible. If an informal resolution fails to resolve the issue, or if the circumstances are such that informal resolution is not possible or appropriate, the formal process outlined below of reporting a complaint should be used. Options for informal resolution include speaking to the person and informing the individual that the conduct was unwelcome or inappropriate and asking for it to stop.

### **Reporting a Complaint**

17. Any Individual may make a complaint of a breach of s. 15 of this policy (a "Complaint") to a Complaint Officer.
18. A Complaint must be signed and in writing and must be made within 90 days from the date on which the person knew or ought to have known that the incident complained of occurred.



Anonymous Complaints will not be accepted. Complaints should contain particulars of the alleged breach, including:

- a) the name and contact details of the Complainant(s);
- b) details including dates, times, locations of the incident or incidents;
- c) description of action and account of dialogue;
- d) the name(s) of Individual(s) alleged to have engaged in Prohibited Conduct;
- e) if the complainant is aware of any witnesses or other individuals who may have other relevant information, the names of those individuals; and
- f) any corrective action taken to date.

19. The above list of suggested particulars is not exhaustive and the absence of a listed suggested particular will not in itself be determinative of whether or not a Respondent has engaged in Prohibited Conduct.

20. A complainant wishing to file a Complaint beyond the 90 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the Complaint outside the 90 -day period will be in the sole discretion of the individual who received the Complaint as identified in section 17 above. This decision may not be appealed.

21. If at any point during in the proceedings under this policy, the Complainant becomes reluctant, or unable to continue, it will be at the sole discretion of the CPC to act as the Complainant or not to proceed with the Complaint in accordance with this policy. In such instances where the CPC chooses to act as the Complainant, the CPC will appoint a representative to take the place of the Complainant.

22. At the CPC's discretion, the CPC may act as the Complainant and initiate the Complaint process under the terms of this policy. In such cases, the CPC will identify an individual to represent the CPC.

### **Procedures**

23. Upon receiving a Complaint, the Complaint Officer will within 30 days:

- a) Determine whether the Complaint is frivolous and within the jurisdiction of this policy;
- b) enquire if the parties would be willing to attempt to resolve the issue by way of mediation pursuant to ss. 27 - 28 of this policy;
- c) Coordinate all administrative aspects and set timelines; and
- d) Provide administrative assistance and logistical support to the Panel as required.

24. If the Complaint Officer determines the Complaint is:



- a) Frivolous or outside the jurisdiction of this policy, the Complaint will be dismissed immediately;
  - b) Not frivolous and within the jurisdiction of this policy, the Complaint Officer will notify the parties that the Complaint has been accepted and advise of the applicable next steps.
25. Because the conduct prohibited by this policy is very serious, if the Complaint Officer determines the Complaint has been accepted, the Complaint Officer will appoint an Investigator to conduct an Investigation and the Investigator's Report, must be considered by the Discipline Panel prior to a decision being made on the Complaint.
26. This policy does not prevent an appropriate person having authority from taking immediate corrective action to stop the behaviour being complained of provided that the Individual is told the nature of the infraction and has an opportunity to provide information concerning the incident. Complaints occurring within competitions may also be dealt with immediately, if necessary, by a CPC representative in a position of authority, provided the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy.

### **Alternative Dispute Resolution**

27. If the Complaint is accepted, the Complaint Officer will enquire if the parties would be willing to attempt to resolve the issue by way of mediation. If the parties consent to mediation, the matter will then be handled in accordance with the CPC's Alternative Dispute Resolution policy.
28. Should one of the parties not agree to mediation, or should the matter not be resolved through the Alternate Dispute Resolution policy, the Complaint Officer will appoint an Investigator to conduct an investigation and prepare an Investigator's Report in accordance with this policy. Should the Investigator's Report determine on a balance of probabilities, the Respondent(s) engaged in Prohibited Conduct the Complaint Officer will appoint a Discipline Panel to hear the Complaint in accordance with this policy.

### **Investigation**

29. The Investigator will be a person experienced in discrimination or harassment matters and investigation techniques and may be an outside professional. The Investigator will be independent from CPC and from the parties. The Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written Investigator's Report to the Discipline Panel.
30. Taking into account the nature and severity of the alleged Prohibited Conduct, the CPC board may, by board resolution, in exceptional circumstances suspend the Respondent from



certain CPC teams, events or activities while the investigation is completed. Whether or not a Respondent is paid during an investigation is a matter between the Respondent and their employer or the terms of any contract between the Respondent and the organization for which the Respondent provides services.

31. The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable). The Investigator's Report will give the Investigator's opinion on:
  - a) whether or not, on a balance of probabilities, the Respondent(s) engaged in Prohibited Conduct; and
  - b) a recommendation on what sanctions should be implemented under ss. 42 - 44, if any.
32. The Investigator's Report will be provided to the parties and the names and identifying details of any witnesses may be redacted at the discretion of the Investigator. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of the CPC.
33. Should the Investigator find possible criminal offences have been committed, the Investigator will notify CPC and CPC will retain legal counsel, in the jurisdiction of the possible criminal offence, to advise CPC of its disclosure requirements to law enforcement, child protection, or other agencies, if any.

#### **Discipline Panel and Hearing**

34. If the Investigator determines on a balance of probabilities, the Respondent(s) engaged in Prohibited Conduct the Complaint Officer will appoint a Discipline Panel of three persons. The Complaint Officer will appoint one of those persons to serve as the Chair of the Discipline Panel. Members of the Discipline Panel will have had no involvement with the alleged infraction, or the decision being appealed, and will be free from any other bias or conflict of interest. At least one member of the Discipline Panel will be a practicing or retired lawyer and the other members will have experience in human resources, management, harassment, safe sport or a related field.
35. Having regard to the nature of the Complaint and the potential consequences of any resulting sanctions, the Discipline Panel, will decide if the format of the hearing will be by way of documentary review, teleconference, in-person hearing or a combination thereof. This decision may not be appealed.

#### **Optional Preliminary Meeting**

36. The Discipline Panel may determine in its sole discretion that the circumstances of the Complaint warrant a preliminary meeting. The Discipline Panel may delegate to one of its members the authority to deal with preliminary matters to be conducted by optional preliminary meeting, or in writing to the parties, which may include but are not limited to:



- a) Determination if the format of the hearing will be by way of documentary review, teleconference, in-person hearing or a combination thereof;
- b) Date and location of the hearing, if necessary;
- c) Timelines for the exchange of documents;
- d) Clarification of issues in dispute;
- e) Any procedural matters including order and procedure of the hearing;
- f) Remedies sought;
- g) Evidence to be brought before the hearing;
- h) Identification of any witnesses; and
- i) Any other procedural matter that may assist in expediting the hearing.

#### **Documentary Review Hearing**

37. If the hearing will be held by way of documentary submissions, the Discipline Panel will govern the hearing fairly and as it sees fit, provided that:
- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and if a party raises a new point, the other party may answer on that point; and
  - b) The applicable principles and timelines set out by the Panel are respected.

#### **Oral Hearing**

38. If the hearing will be held by way of a teleconference or in person hearing, the Discipline Panel will govern the hearing fairly and as it sees fit, provided that:
- a) The parties will be given seven days written notice of the day, time and place of the hearing;
  - b) The parties will be provided copies of all evidence to be relied upon in a form that is accessible to them;
  - c) Decisions of the Discipline Panel will be by majority vote;
  - d) Discipline Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - e) The parties may be accompanied by a representative including legal counsel at the party's own expense; additional representatives will be granted based on the circumstances. For example, a translator or as part of an accommodation,
  - f) The parties will have the right to present evidence and argument;
  - g) The formal law and rules of evidence will not apply except where submissions are made that are unduly repetitious;



- h) Any party potentially affected by the matter may be made party to the hearing by the Discipline Panel;
- i) The Discipline Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- j) Each party will bear their own costs;
- k) Once appointed, the Discipline Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

39. A Party may waive their right to participate in the hearing and the hearing may proceed in any event.

40. In fulfilling its duties, the Discipline Panel may obtain independent legal advice. If legal advice is provided during the hearing relating to the admissibility of evidence or the conduct of the hearing, the legal advice will be disclosed to the parties and the parties may make submissions on that legal advice to Discipline Panel.

### **Decision**

41. After hearing and/or reviewing the matter, the Discipline Panel will determine on a balance of probabilities if the Respondent(s) engaged in Prohibited Conduct, and if so, will determine the appropriate sanction to be imposed. The Panel's written decision, with reasons, will be distributed to all parties and the Complaint Officer within 14 days of the conclusion of the hearing, unless the Discipline Panel advises the parties that additional time is required prior to the expiry of the 14-day period and provides a reasonable timeframe estimate for the release of the decision. Further distribution of the decision is subject to the Confidentiality section of this policy.

### **Sanctions**

42. When the Discipline Panel has determined that the Respondent(s) engaged in Prohibited Conduct, the Panel may apply an appropriate sanction that communicates to the public CPC's strong disapproval of Prohibited Conduct, educates the Respondent(s) and the sport community, protects the sport community from the Respondent(s) and deters future individuals from engaging in Prohibited Conduct. Taking these factors into consideration, the following disciplinary sanctions may be applied as a single sanction or in combination:

- a) Private written reprimand;
- b) Public written reprimand;
- c) Requirement to give a public or private written apology to the Complainant or others the Discipline Panel requires;
- d) Removal of certain privileges;
- e) Suspension from all or from certain CPC teams, events or activities for up to 8 years;



- f) Ban from all or from certain CPC teams, events or activities;
- g) Suspension of CPC funding;
- h) Payment of a financial fine to CPC in an amount to be determined by the Disciplinary Panel not exceeding an amount that would be deemed unreasonable; and
- i) Any other sanction as may be considered appropriate for the offense including the complete range of sanctions in the UCC.

43. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in the automatic suspension of the Respondent from all related CPC activities until such time as compliance occurs.

44. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) The nature and severity of the incident;
- b) Whether responsibilities in ss. 10 - 14 were breached;
- c) Whether the incident is a first offense or has occurred repeatedly;
- d) Any institutional or administrative factors such as an organizational culture of encouraging or overlooking Prohibited Conduct, lack of training or the inconsistent application of policy;
- e) The individual's acknowledgment of responsibility;
- f) The individual's remorse and post-infraction conduct;
- g) The age, maturity or experience of the individual; and
- h) The individual's prospects for rehabilitation.

### **Timelines**

45. If the circumstances of the Complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the Complaint are such the Complaint cannot be concluded within the timelines dictated in this policy, the Complaint Officer may direct that these timelines be revised.

### **Confidentiality**

46. CPC will immediately disclose any incident of harassment, abuse or discrimination related to any CPC Sport Canada funded projects or programming to the Minister or government official responsible for CPC's Sport Canada funding or their designate.

47. Subject to ss. 33, 41, 46 and 48, the discipline and Complaints process is confidential involving only the parties, the Complaint Officer and the Discipline Panel. Once initiated and



until a decision is released, none of the parties will disclose confidential information relating to the discipline or Complaint to any person not involved in the proceedings.

### **Records and Distribution of Decisions**

48. Prohibited Conduct that results in discipline will be recorded and maintained by CPC. While confidentiality will be maintained, any decision rendered under this policy may be disclosed to any third party deemed appropriate by the CPC, by the CPC in response to any appeals, or as required by law. For example, decisions that are matters of public interest may be publicly available with the names of the individuals redacted. Likewise, names of persons affected may be disclosed to the extent necessary to give effect to any decision imposed.

### **Appeals Procedure**

49. A decision of the Discipline Panel may be appealed in accordance with the *CPC Appeals Policy*.

50. On application in writing by the Respondent, the Discipline Panel may hold any sanctions applied in abeyance until all appeals are resolved. In so deciding, the Discipline Panel will consider the severity of the sanction imposed and the potential danger the Respondent poses to the sport community.

51. No earlier than 8 years after a ban is issued from all or from certain CPC teams, events or activities under this policy, an Individual so banned may request the ban be rescinded by applying in writing to the CPC board of directors who will decide in its unfettered discretion whether, and on what terms, to do so.

### **Criminal Infractions**

52. When it is brought to the attention of CPC that an Individual has been charged with an offence under the *Criminal Code* or the criminal law in place in another jurisdiction where the individual alleged to have committed the offence is present, CPC will not take further disciplinary action while criminal charges are still pending. All timeframes will be held in abeyance until the criminal proceedings and all related appeals are concluded.

53. Notwithstanding the procedures set out in this policy, any Individual who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault aggravated assault, or any more serious offence will face automatic suspension from participating in any CPC activities or events for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by CPC in accordance with this policy.