

DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:

- a) *"Complainant"* – the Party 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 SIRC policies, by-laws, rules or regulations, or the UCCMS
- b) *"Days"* – calendar days¹
- c) *"Event"* – an event sanctioned by SIRC, which includes any social Event
- d) *"Harassment"* – as defined in the *Code of Conduct and Ethics*
- e) *"Maltreatment"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- f) *"Minor"* – As defined in the UCCMS and as amended from time to time by the SDRCC
- g) *"OSIC"* – the Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner; also referred to as Abuse-Free Sport
- h) *"Party"* or *"Parties"* – the Complainant, Respondent, and any other individuals or persons involved in a process under this Policy
- i) *"Person in Authority"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- j) *"Physical Maltreatment"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- k) *"Power Imbalance"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- l) *"Prohibited Behaviour"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- m) *"Provisional Suspension"* – means that the SIRC Representative is barred temporarily from participating in any capacity in any activity or Event of SIRC (or as otherwise decided pursuant to this Policy), as described in this Policy
- n) *"Respondent"* – the Party responding to a complaint under this Policy
- o) *"SDRCC"* – the Sport Dispute Resolution Centre of Canada
- p) *"Sexual Maltreatment"* – as defined in the UCCMS and as amended from time to time by the SDRCC
- q) *"SIRC Representative"* – individuals employed by, or engaged in activities on behalf of, SIRC including: directors, staff members, contract personnel, presenters, and volunteers
- r) *"UCCMS"* - the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC
- s) *"UCCMS Participant"* – A SIRC Representative i) who has been designated as a UCCMS Participant by SIRC, and ii) who has signed the required consent form. For SIRC, UCCMS Participants are: SIRC board members, employees and contractors engaged by SIRC.
- t) *"Vulnerable Participant"* – as defined in the UCCMS and as amended from time to time by the SDRCC

Purpose

2. SIRC Representatives are expected to fulfill certain responsibilities and obligations including complying with SIRC's *Code of Conduct and Ethics* and other policies, by-laws, rules and regulations, as updated and amended from time to time. Conduct that violates the *Code of Conduct and Ethics* or any other SIRC policy, by-law, rule, or regulation, or the values of SIRC, may be subject to sanctions pursuant to this Policy.

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.

Application of this Policy

3. This Policy applies to all SIRC Representatives and to any alleged breaches of SIRC's policies, by-laws, rules or regulations.
4. This Policy applies to discipline matters that may arise during the course of SIRC's services, business, activities, trainings, and Events. Discipline matters and complaints arising within the business, activities, trainings, or events organized by entities other than SIRC will be dealt with pursuant to the policies of these other entities unless requested and accepted by SIRC at its sole discretion.
5. This Policy also applies to Individuals' conduct outside of the services, business, activities, trainings and Events of SIRC when such conduct adversely affects SIRC's relationships (and the work and sport environment) or is detrimental to the image and reputation of SIRC.
6. This Policy applies to SIRC Representatives who are actively involved with SIRC's services, business, activities, trainings, and Events as well as to SIRC Representatives who are no longer actively involved with SIRC when any claim regarding a potential breach of this Code occurred when the SIRC Representative was actively involved with SIRC's services, business, activities, trainings, and Events.
7. If a complaint is made against a SIRC Representative in relation to an incident that occurred at a time during which a different SIRC policy was in force (e.g., *Code of Conduct and Ethics, Discipline and Complaints Policy*), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offense or breach of the policy has occurred, unless the chair/panel hearing the matter determines that the principle of *lex mitior* applies to the circumstances of the case. However, for such cases, this Policy will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Case Manager at their sole discretion and shall not be subject to appeal.

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

Reporting a Complaint

UCCMS Participants

9. Incidents that involve alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the UCCMS) that occurred or continued as of December 19th 2022 involving a UCCMS Participant must be reported to the [OSIC](#) and will be addressed pursuant to the OSIC's policies and procedures.
10. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before December 19th 2022 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by SIRC as a UCCMS Participant.
11. If the Case Manager receives a complaint that they consider would otherwise fall within the above sections, they shall direct the individual(s) to report the allegations to the OSIC or, with the consent of the individual(s) that made the report, refer the matter to the OSIC.

SIRC Representatives

12. Any complaints involving alleged breaches of the UCCMS or SIRC policies that do not fall within sections 8 or 9 above may be reported by to the independent Case Manager within 14 days of the occurrence of the incident². For the avoidance of doubt, this includes complaints referred back to the Case Manager by the OSIC following a determination by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in the section.
13. Complaints must be in writing and must identify the Complainant, Respondent(s), the nature of the alleged incident(s), and the requested remedy or sanction. Confidential complaints may be accepted by the Case Manager in accordance with Section 14, below.
14. Notwithstanding any provision in this Policy, SIRC may, at its discretion, or upon request by the Case Manager, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, SIRC will identify an individual to represent the organization.
15. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Case Manager and request that their identity be kept confidential. If the Case Manager considers that the Complainant's identity must remain confidential, the Case Manager may ask that SIRC take carriage of the complaint and act as the Complainant.³

Minors

16. Complaints may be brought by or against a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
17. Communication from the Case Manager, SIRC Discipline Chair or Discipline Panel (as applicable) must be directed to the Minor's representative.
18. 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.
19. 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.

Immediate Action

20. This Policy does not prevent a SIRC Representative having authority from taking immediate, informal or corrective action in response to a complaint. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Case Manager Responsibilities

21. Upon receipt of a complaint, the Case Manager has a responsibility to:

² This timeline may be waived as the Case Manager's sole discretion if they consider that there were extenuating circumstances that prevented the individual from reporting their complaint within 14 days of the occurrence of the incident. Any such decision by the Case Manager is not subject to appeal.

³ In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

- a) Determine whether the complaint is frivolous, vexatious, or made in bad faith,⁴ and/or is outside the jurisdiction of this Policy, and, if so, the complaint will be dismissed immediately. If the complaint is dismissed, the Case Manager will inform the Complainant and provide the reasons for which the complaint was not accepted. The Case Manager's decision to dismiss the complaint may not be appealed.
- b) Propose the use of alternative dispute resolution techniques such as a negotiated settlement or mediation/facilitation (the Case Manager may act as the mediator or may propose the use of a mediator or facilitator under the *Dispute Resolution Policy*).
- c) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**.
- d) Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

Process #1 - the Complainant alleges the following incidents:

- a) Disrespectful comments, conduct or behaviour
- 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 fall under Process #2
- c) Conduct contrary to the values of SIRC
- d) Non-compliance with SIRC's by-laws, policies, rules, or regulations
- e) Violations of the *Code of Conduct and Ethics* that do not fall within Process #2

**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 Complainant alleges the following incidents:

- a) Repeated incidents as described in Process #1
- b) Abusive, racist, or sexist comments, conduct or behaviour
- c) Any incident of hazing
- d) Behaviour that constitutes Maltreatment, Prohibited Behaviour, or Harassment
- 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 SIRC's image, credibility, or reputation
- i) Consistent disregard for SIRC's bylaws, policies, rules, and regulations
- j) Major or repeated violations of the *Code of Conduct and Ethics*
- k) Intentionally damaging SIRC's property or improperly handling SIRC's monies
- l) Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense
- n) Any possession or use of prohibited substances or prohibited methods

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

Process #1 – Handled by SIRC Discipline Chair

22. Following the determination that the complaint or incident will be handled under Process #1, the Case Manager will appoint a SIRC Discipline Chair which by default, will be the CEO of SIRC. In the event that the CEO is unable to act as

⁴ For a complaint to be considered to have been made in bad faith, the Case Manager 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.

the SIRC Discipline Chair, due to conflict of interest, because they are a Party to the complaint, or as otherwise specified in this Policy, the Case Manager will work with the SIRC Board of Directors to determine a suitable replacement.

23. The SIRC Discipline Chair will ask the Complainant and the Respondent for either written or oral submissions regarding the reported complaint or incident. Both Parties shall also have the right to submit to the SIRC 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).
24. 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, subject to a direction by the SIRC Discipline Chair that a Party should not be present for a reason deemed appropriate by the SIRC Discipline Chair.
25. Following receipt of the Parties' submissions, the SIRC Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference, in order to ask the Parties questions and/or to allow the Parties to ask questions of one another.
26. Following their review of the submissions and evidence related to the complaint or incident, the SIRC Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, if one or more of the following sanctions should be applied (see: **Sanctions**).
27. If, after hearing the Parties and reviewing their submissions, the SIRC Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
28. The SIRC Discipline Chair will inform the Parties of the decision, in writing and with reasons. Any sanction imposed will take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the SIRC Discipline Chair may render a short decision, either verbally or in writing, followed a written reasoned decision.
29. Any decision rendered by the SIRC Discipline Chair shall be provided to and maintained in the records of SIRC. Decisions will be kept confidential by the Parties and the any applicable organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation and policies and practices of SIRC.

Process #2 – Handled by Discipline Panel

30. Following the determination that the complaint or incident will be handled under Process #2, the Case Manager has a responsibility to:
 - a) Appoint a Discipline Panel
 - b) Coordinate all administrative aspects and set timelines
 - c) Provide administrative assistance and logistical support to the Discipline Panel as required
 - d) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
31. The Case Manager, in cooperation with the 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. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:

- a) The determination of procedures and timelines, as well as hearing duration, shall be as expedient and cost-effective as possible in order to ensure that costs to the Parties and SIRC 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 the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, 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 Discipline Panel may request that any other individual participate and give evidence at the hearing
 - f) The Discipline Panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
 - g) 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
 - h) The decision will be by a majority vote of the Discipline Panel (if the Panel consists of three people)
32. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
33. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal in their own right, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings, as determined by the Discipline Panel, and will be bound by the decision.
34. The hearing will proceed even if a Party chooses not to participate in the hearing.

Decision

35. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the Discipline Panel determines that an infraction has not occurred, the complaint will be dismissed.
36. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, and to SIRC. In extraordinary circumstances, the 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.
37. The Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Discipline Panel. The Discipline Panel's decision will apply automatically to SIRC.
38. Subject to Section 40 below, unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, SIRC 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 Party(ies) 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 Participants will never be published.
39. If the Discipline Panel dismisses the complaint, the information referred to in Section 39 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 39 above will be kept confidential by the Parties, the Case Manager, and SIRC, and shall be retained and

discarded in accordance with the relevant and applicable privacy legislation and policies and practices of SIRC. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.

40. Other individuals or organizations, including but not limited to, national and/or provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy, if appropriate in the circumstances.
41. Records of all decisions will be maintained by SIRC in accordance with its Privacy Policy.
42. When the 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 SIRC'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 the conditions 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 Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

Sanctions

43. Prior to determining sanctions, the SIRC Discipline Chair or the Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
 - 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 Maltreatment, Prohibited Behaviour, or misconduct;
 - c) The 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 Maltreatment, Prohibited Behaviour, or misconduct and/or cooperation in the process of SIRC;
 - 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.
44. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment, Prohibited Behaviour, or other misconduct may justify elevated or combined sanctions.
45. The SIRC Discipline Chair or the 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 the individual has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the individual be involved in other violations
- b) **Education** - The requirement that an individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, this 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 of time
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, or event sponsored by, organized by, or under the auspices of SIRC
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any capacity, in any program, activity, or event sponsored by, organized by, or under the auspices of SIRC
- 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

46. The SIRC Discipline Chair or the 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 alleging the commission 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 of the charges is made by the applicable process.

47. A conviction for certain *Criminal Code* offenses shall carry a presumptive sanction of permanent ineligibility from participating with SIRC. Such *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offenses
- b) Any sexual offences
- c) Any physical violence offense

48. Failure to comply with a sanction will result in automatic suspension until such time as compliance occurs.

Appeals

49. Except as otherwise stated in this Policy, the decision of a SIRC Discipline Chair or Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

OSIC Sanctions

50. As a Program Signatory to the OSIC, SIRC will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes will be implemented and respected within SIRC's jurisdiction, once SIRC receive appropriate notice of any sanction or measure from the OSIC.

Provisional Suspension

51. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or other interim measures may be imposed against any SIRC Representative by the CEO, after which further discipline or sanctions may be applied according to this Policy.
52. Notwithstanding the above, SIRC and/or the Case Manager may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension pending completion of an investigation, an assessment and/or investigation by the OSIC, a criminal process, or the hearing or decision of the Discipline Panel.
53. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Case Manager or Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, SIRC 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.
54. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Records and Distribution of Decisions

55. Records of all decisions will be maintained by SIRC. Other organizations may be advised of any decisions. SIRC Representatives recognize that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

Reprisal and Retaliation

56. Anyone who submits a complaint or who gives evidence in an investigation in good faith may not be subject to reprisal or retaliation from any SIRC Representative. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to this Policy.

Confidentiality

57. The disciplinary process is confidential and involves only SIRC, the Parties, the Case Manager, the SIRC Discipline Chair or Discipline Panel (as applicable), and any independent advisors to the SIRC Discipline Chair/Discipline Panel.
58. Once initiated and until a decision is released, none of the involved persons will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless SIRC is required to notify an organization such as an international federation, Sport Canada or other sport organization (for example, 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.
59. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by SIRC Discipline Chair or Discipline Panel (as applicable).

Timelines

60. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the Case Manager may direct that these timelines be revised.

Privacy

61. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SIRC's Privacy Policy.

62. SIRC, or any of their delegates pursuant to this Policy (i.e., Case Manager, SIRC Discipline Chair, Discipline Panel), shall comply with SIRC'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 Case Manager, the Case Manager will determine if the incident(s) should be investigated.
2. Only complaints that would be handled under Process #2 (as described in the *Discipline and Complaints Policy*) are eligible to be investigated.

Investigation

3. If the Case Manager considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third-party with experience in investigations. The investigator must not be in a conflict-of-interest situation and should have no connection to any Party.
4. 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 such legislation applies to the complaint.
5. 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:
 - 1) Interviews with the Complainant
 - 2) Witness interviews
 - 3) A statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant, and provided to the Respondent
 - 4) Interviews with the Respondent
 - 5) Statement of facts (Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

6. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall include an executive summary, which SIRC may share with the Parties separately from the full report.
7. The investigator's report shall also include a non-binding recommendation from the investigator regarding whether any of SIRC's policies or the UCCMS have been breached, or whether the allegations are frivolous, vexatious, or

made in bad faith.⁵ The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).

8. Where deemed necessary to protect the identity of any person that participated in the investigation, the investigator may redact names and anonymize any witness testimony that may result in the identification of the individual.
9. The investigator's report will be provided to the Case Manager and SIRC. The Case Manager may disclose, at their discretion, either the full report or only the executive summary to the Parties. If necessary, in the discretion of the Case Manager, other relevant parties may be provided with an executive summary of the investigator's findings.
10. Should the investigator find that there are possible instances of an offence under the *Criminal Code*, the investigator shall advise the Complainant or SIRC to refer the matter to police.
11. The investigator must also inform SIRC of any findings of criminal activity. SIRC 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 SIRC, or other offences where the lack of reporting would bring SIRC into disrepute.

Reprisal and Retaliation

12. Anyone who submits a complaint to the Case Manager or who gives evidence in an investigation in good faith may not be subject to reprisal or retaliation from any Party. Any such conduct may constitute Prohibited Behaviour and be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures of the OSIC.

False Allegations

13. Anyone 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 SIRC that the individual be required to pay for the costs of any investigation that comes to this conclusion. Subject to the terms of any individual employment agreement or employment standards legislation, as applicable, anyone 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 SIRC Events, activities or business. SIRC or the SIRC Representative against who the allegations were submitted may act as the Complainant with respect to making a complaint pursuant to this Section.

Confidentiality

14. The investigator will protect confidentiality to the extent possible and will only share information on a need-to-know basis. However, the investigator may need to share information where it is necessary to ensure that natural justice has been served.

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 investigator 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.

Privacy

15. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SIRC's Privacy Policy.

16. SIRC, or any of their delegates pursuant to this Policy (i.e., Case Manager, SIRC Discipline Chair, Discipline Panel), shall comply with SIRC's Privacy Policy in the performance of their services under this Policy.