

COACHING ASSOCIATION OF CANADA CODE OF CONDUCT AND ETHICS WITH REPORTING PROCEDURES

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Preamble

The Coaching Association of Canada (“CAC”) recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”). Since the UCCMS may continue to evolve in the foreseeable future, this document incorporates the key elements of version 5.1 of the UCCMS, dated December 16, 2019. Going forward, and prior to **April 1, 2021**, this Code of Conduct and Ethics with Reporting Procedures (“Code”) will be amended further to ensure that the UCCMS is fully incorporated and can be implemented appropriately.

Definitions

1. The following terms have these meanings:
 - a) *“Athlete”* – An individual who is a member, registrant or license holder of a sport organization subject to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).
 - b) *“Case Manager”* – An independent individual (or individuals) appointed by the CAC to receive and administer complaints.
 - c) *“Coach”* – An individual who is a Chartered Professional Coach (ChPC) or Registered Coach.
 - d) *“Complainant”* – The Party who makes a report of an incident of Maltreatment or suspicions of an incident of Maltreatment to CAC.
 - e) *“Duty to Report under Child Protection Legislation”* – A legal duty to report that is mandated by law, depending on provincial legislation. Everyone has a duty to report child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child Maltreatment if there is knowledge or suspicion that it is occurring. Known or suspected abuse or Neglect of a child must be reported to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial/territorial social service ministries or departments, or local police.
 - f) *“Maltreatment”* – A volitional act that results in harm or the potential for physical or psychological harm and includes any of the following behaviours or conduct:

- i. **Psychological Maltreatment:** Any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
 - a. Verbal Acts: Verbally assaulting or attacking an individual, including but not limited to unwarranted personal criticisms; body shaming; derogatory comments related to an individual's identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, or ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about an individual to diminish their reputation; using confidential information inappropriately. Verbal Maltreatment may also occur in online forms.
 - b. Non-assaultive Physical Acts (no physical contact): Physically aggressive behaviours, including but not limited to throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
 - c. Acts that Deny Attention or Support: Acts of commission that deny attention, lack of support or isolation including but not limited to ignoring psychological needs or socially isolating an individual repeatedly or for an extended period of time; arbitrarily or unreasonably denying feedback, support or attention for extended periods of time and/or asking others to do the same.
- ii. **Physical Maltreatment:** Any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
 - a. Contact behaviours: Deliberately punching, kicking, beating, biting, striking, strangling or slapping another, deliberately hitting another with objects.
 - b. Non-contact behaviours: Isolating an individual in a confined space; forcing an individual to assume a painful stance or position for no purpose, withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an individual.
- iii. **Sexual Maltreatment:** Any act targeting an individual's sexuality, gender identity or expression, that is committed, threatened or attempted against that person, and includes but is not limited to the offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images under the Criminal Code of Canada. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party). Examples of Sexual Maltreatment include, but are not limited to:
 - a. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 1. vaginal penetration by a penis, object, tongue, or finger; and
 2. anal penetration by a penis, object, tongue, or finger.

- b. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - 1. kissing;
 - 2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
 - 3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
 - 4. making a person touch themselves or someone else with or on any of the body parts listed in 2); and
 - 5. any intentional touching in a sexualized manner regardless of the relationship, context or situation.
- iv. **Neglect:** Any pattern or a single serious incident of lack of reasonable care, inattention to an individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the individual's needs and requirements, not whether harm is intended or results from the behaviour. Neglect, or acts of omission, include without limitation, not being aware of and not considering an individual's physical or intellectual disability, or subjecting individuals to the risk of Maltreatment.
- v. **Grooming:** Often a slow, gradual and escalating process of building trust and comfort with a young person which includes, without limitation, deliberate conduct by a Coach or Participant to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in "boundary violations" which have been professionally identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; Adults sharing rooms with a Minor who is not an immediate family member; private social media and text communications; sharing personal photographs; private meetings; private travel, and providing gifts).
- vi. **Maltreatment Related to Process:** The behaviours identified below also constitute Maltreatment.
 - a. Interference With or Manipulation of Process: A Participant violates the Code by directly or indirectly interfering with a process instituted pursuant to this Code:
 - 1. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - 2. destroying or concealing information;
 - 3. attempting to discourage an individual's proper participation in or use of the Code's processes;
 - 4. harassing or intimidating (verbally or physically) any person involved in the Code's processes before, during, and/or following any proceedings;
 - 5. publicly disclosing an individual's identifying information, without that person's agreement;
 - 6. failing to comply with any temporary or provisional measure or other final sanction;
 - 7. distributing or otherwise publicizing materials a Coach gains access to during any investigation or hearing, except as required by law or as expressly permitted; or

8. influencing or attempting to influence an individual to interfere with or manipulate the process.
 - b. **Retaliation:** Retaliation is prohibited. A Participant shall not take an adverse action against any individual for making a good faith report of possible Maltreatment or for participating in any process under the Code. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the Code's processes. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of possible Maltreatment.
 - c. **Aiding and Abetting:** Any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment. Aiding and Abetting also includes, without limitation, knowingly:
 - a. allowing any Participant who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct sport participants;
 - b. allowing any Participant to violate the terms of their suspension or any other sanctions imposed.
- vii. **Maltreatment Related to Reporting:**
- a. **Failure to Report Maltreatment of a Minor:** The failure to report is in and of itself a violation of the Code. An adult Participant who fails to report actual or suspected Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant pursuant to the Code's processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under the Code. This obligation is ongoing and is not satisfied by making an initial report; instead, this obligation includes reporting, on a timely basis, all relevant information that the adult is or becomes aware of, and requires making a direct report. Any report shall include personally identifying information of the potential Minor Complainant (to the extent known), as well as a duty to reasonably supplement the report as to identifying information learned at a later time.
 - b. **Failure to Report Inappropriate Conduct:** Not all inappropriate conduct meets the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behaviour that runs the risk of escalating to Maltreatment. Any Participant who suspects or becomes aware of another Participant's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to report such inappropriate conduct through the internal procedures identified in this Code. Participants in positions of trust and authority who become aware of another Participant's inappropriate conduct have a responsibility for reporting the concern within the procedures herein. The person making the report does not need to determine whether a violation of the Code took place. Instead, the responsibility lies in reporting the objective behaviour.
 - c. **Intentionally Filing a False Allegation.** Filing a knowingly false allegation or influencing others to file a knowingly false allegation that a Participant engaged in Maltreatment shall be subject to disciplinary action pursuant to the Code. An allegation is false if the events or conduct reported did not occur and the person making the report knows that the events or conduct

did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a violation. Any person found to have made mischievous, intentionally false or malicious complaints will render themselves liable to appropriate disciplinary action.

- g) “*Minor*” – Any individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a minor. The following illustrates the definition of a child for the purposes of protection in each province and territory at the time of writing this Code.
- Under 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
 - Under 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
 - Under 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon
- h) “*Participant*” – Every individual who is subject to the UCCMS (including Coaches, as defined). Participants may become subject to the UCCMS by various means. Athletes, through their membership in an adopting sport organization, and coaches, officials, doctors, trainers, directors administrators, volunteers, and others, by signing an express acknowledgement accepting the jurisdiction of the UCCMS. As well, for the purposes of this Code, “Participant” shall include employees, contractors and volunteers of CAC responsible for the direct delivery of training and certification programs or sessions offered by CAC, as well as any attendees, registrants, speakers, sponsors, exhibitors, organizers, and partner organizations at any event, seminar, congress or conference hosted by the CAC.
- i) “*Power Imbalance*” – Exists where, based on the totality of the circumstances, a Participant has supervisory, evaluative, a duty of care, or other authority over another person. Maltreatment occurs when this power is misused. Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship, regardless of age, and is presumed to continue after the coach-athlete relationship terminates or until the athlete reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
- j) “*Reporting*” (or “*Report*”) – The provision of information in writing by any person to a relevant independent authority (the independent person or position charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent.
- k) “*Respondent*” – The party who is alleged to have engaged in Maltreatment and thereby have violated the Code.

Code of Conduct and Ethics

Purpose

2. (a) To promote, establish, and maintain a safe environment that is free from all forms of Maltreatment and that treats every individual with dignity and respect.
(b) To provide procedures for investigating and resolving complaints of di Maltreatment, as well as remedying situations when instances of Maltreatment occur.
(c) To meet the CAC's ethical and legal obligations to provide a safe environment under applicable legislation and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS").

Statement

3. The CAC will not tolerate, ignore or condone any form of Maltreatment perpetrated by a Participant against another Participant, within the scope of application of this Code. It is a violation of this Code for a Participant to engage in Maltreatment (however described).
4. The CAC considers all forms of Maltreatment a very serious offense that may result in sanctions up to and including the Participant being expelled from an event (without a refund), suspended, banned from future events, or in the case of Coaches, having their official designation revoked. In appropriate cases, CAC will contact law enforcement officials or take legal action where necessary.
5. Every individual covered by this Code has a responsibility to help promote a safe environment. This means not engaging in, allowing, condoning or ignoring behaviour that violates this Code.

Scope of Application

6. This Code applies to conduct that occurs within the CAC environment, i.e. during the course of any CAC-related business, activities, events, seminars, congresses or conferences hosted by the CAC, as well as to training or certification programs or sessions, whether in person or virtual. To be clear, this Code only applies where the training program is being delivered directly by CAC, and does not apply if the training is being hosted or delivered by other external organizations, such as where a National Sport Organization ("NSO") or Provincial/Territorial Coaching Representative ("PTCR") hosts NCCP Training.
7. This Code applies to all Participants, as defined. To be clear, this Code of Conduct also applies to suppliers and members of the public whose behaviour is directed at a Participant, and occurs within the CAC environment as defined above.
8. The physical location(s) where the alleged Maltreatment occurred is not determinative, provided that the Maltreatment occurs within the CAC environment, as defined above, or because the Participants involved interacted due to their mutual participation in the CAC environment.
9. A Participant who violates this Code may be subject to sanctions pursuant to the Reporting Procedures described in this document.

Responsibilities

10. Participants have a responsibility to:
 - a) act respectfully towards other individuals while in the CAC environment, as defined above;
 - b) be familiar with the UCCMS, this Code of Conduct and Ethics, and any code of conduct sanctioned by the NSO with which the Participant is affiliated;

- c) report to the Case Manager any concerns, incidents and/or knowledge of Maltreatment, including threats of Maltreatment;
- d) follow the measures and procedures set out in this Code of Conduct and Ethics;
- e) report possible Maltreatment of a Minor to law enforcement or to child protection agencies, as may be required by relevant provincial legislation; and
- f) cooperate fully with any investigation and discipline process under this Code of Conduct and Ethics.

11. Coaches also agree to follow the [National Coaching Certification Program™ \(NCCP\) Code of Ethics](#) , which describes the core principles and the associated ethical standards that reflect the core values of the coaching profession in Canada.

Core Principle	Ethical Standards of Behaviour
Leadership and professionalism	Understand the authority that comes with your position and make decisions that are in the best interest of all participants.
	Share your knowledge and experience openly.
	Maintain the athlete-centered approach to coaching so that every participant's well being is a priority.
	Be a positive role model.
	Maintain confidentiality and privacy of participants' personal information.
Health and Safety	Recognize and minimize vulnerable situations to ensure the safety of participants.
	Prioritize a holistic approach when planning and delivering training and competition.
	Advocate for, and ensure appropriate supervision of participants, including the Rule of Two .
	Participate in education and training to stay current on practices to ensure the continued safety of your participants.
	Understand the scope of your role and skills and call upon others with specialized skills when needed to support your participants.
Respect and Integrity	Provide equitable opportunity and access for all.
	Establish a respectful and inclusive sport environment where all participants can raise questions or concerns.
	Obey the rules and participate honestly and respectfully.
	Be open, transparent and accountable for your actions.
	Maintain objectivity when interacting with all participants.

Subjecting a Participant to Maltreatment

12. It is a violation of this Code for any Participant to place an individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing a Minor to share a hotel room with an Adult who is not an immediate family member when traveling, hiring an individual who has a past history of Maltreatment, assigning guides and other support staff to a vulnerable person when the guide or support staff has a reputation for Maltreatment, or assigning such a guide or support staff to a vulnerable person in the absence of consultation with the vulnerable person.

Reporting Procedure

Purpose

13. The following outlines the procedures that will generally apply when a complaint relating to Maltreatment is made.

Reporting a Complaint

14. Any individual who believes they have been subject to Maltreatment, or who witnesses any Maltreatment, must promptly report the incident or complaint to the Case Manager at the following email address:

OmbudsOffice@sportlaw.ca

In the event of a violent, emergency or life-threatening situation, 9-1-1 should also be called immediately.

15. CAC may intervene or initiate a complaint under this Code against a Participant wherever it is of the view that a circumstance has arisen which is sufficiently serious and significant as to be of general importance to the CAC and/or of general importance to the overall ability of the CAC to discharge its objectives. In such cases, the CAC will identify an individual to represent and act on behalf of the CAC.
16. Complaints must be in writing, dated and signed by the Complainant. Complaints should contain as much information as possible about the conduct which is the subject of the complaint. The Complainant will need to provide details of the dates, times, and locations of the incident(s), names of any witnesses to the incident(s), and a detailed description of the offensive behaviour or misconduct. If the Complainant wishes to remain anonymous, it may not be possible for CAC to conduct an appropriate investigation and/or adequately address the situation. If the Complainant who wishes to remain anonymous wishes to report Maltreatment, they are advised to contact the Case Manager who will support them in the resolution of a genuine complaint or incident of Maltreatment.
17. The Complainant has the right to make the report and to obtain a fair and timely investigation of the report without fear of retaliation.
18. Upon review of the complaint, the Case Manager, in consultation with the Professional Practices Chair (if the case involves a Coach), must determine whether the complaint is frivolous and/or within the scope of this Code. If the Case Manager determines that the complaint is frivolous, or outside the scope of this Code, the complaint will be dismissed immediately. A complaint is frivolous where it is readily apparent that the report has little merit or is of a trivial nature, or where to investigate it would be out of all proportion to the seriousness of the issues complained about.
19. The Case Manager may determine that the alleged incident must be reported to an applicable government entity, local police service, or child protection agency, in accordance with the relevant provincial legislation. In such cases, the Case Manager will inform the Complainant and the CAC.
20. If the Case Manager, in consultation with the Professional Practices Chair (if the case involves a Coach), accepts the complaint, the Case Manager must as a first step refer the complaint to the adopting sport organization with which the Respondent is affiliated, so that the adopting

sport organization can investigate the complaint under its own UCCMS-compliant policies and procedures. In such cases, the Case Manager will inform the Respondent that the complaint has been referred to the adopting sport organization that has direct authority over them. So as to avoid a duplication of proceedings, the CAC expects the adopting sport organization to share its findings and conclusions with the CAC once the investigation is completed. In this regard, the CAC reserves the right to accept or reject the findings of any such investigation in respect of a Respondent in its absolute discretion.

21. If the adopting sport organization does not conduct its own investigation for any reason, if the Case Manager rejects the findings of the adopting sport organization's investigation report upon review of the same, or if the Respondent was not affiliated to or was not engaged in the activities of any adopting sport organization at the time of the incident (e.g. because the coach was entirely unaffiliated, or affiliated with a sport organization that has not adopted the UCCMS), the complaint may be referred to an independent third-party investigator appointed by the Case Manager for a renewed investigation.
22. In the event that a complaint properly falls under the scope of the CAC's Positive Workplace Policy, the Case Manager will refer it to the CAC's Chief Operation Officer ("COO") for investigation pursuant to that Policy.

Investigations

23. If the Case Manager determines that the alleged incident requires a renewed investigation, the Case Manager, in consultation with the Professional Practices Chair (if the case involves a Coach), must appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator will have no interest in the outcome of the investigation and will not be a decision-maker.
24. The investigation will be conducted as quickly as possible, given the circumstances of each case and will be completed as soon as practicable, but normally within 90 days, unless there are extenuating circumstances warranting a longer investigation. Should it not be practicable to complete the investigation within 90 days, the Investigator will keep both the Complainant and the Respondent informed of the current status and progress.
25. The Investigator will separately interview the Complainant and the Respondent as soon as reasonably possible. Parties may be requested to sign their statements. The Investigator must give the Respondent an opportunity to explain their perception of events and to respond to the Complainant's account of events. The Investigator will review the interviews and document any inconsistencies or other questions they may have. The Investigator may conduct further interviews of the parties if needed to clarify any information.
26. Throughout the investigative process, the parties have the right to be:
 - a) informed in a timely way once a report or complaint has been made.
 - b) provided with a written summary of the allegation(s).
 - c) afforded the opportunity to respond to the report or complaint.
 - d) represented or accompanied by another (uninvolved) individual of their choice, including legal counsel.
27. During the investigation, the Complainant, Respondent and any witnesses will be advised that they are not to discuss the complaint, incident, investigation or their testimony with other individuals except as strictly required for the purposes of any investigation or resolution, to obtain legal or other advice about their rights, or as otherwise compelled by law.

28. All individuals involved in the investigation are required to cooperate fully in the investigation and resolution of any concerns, incidents and complaints.
29. All individuals involved in the investigation must refrain from any form of reprisal against anyone involved in the investigation. Reprisal includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the process. Any individual who has been subject to unlawful reprisal must promptly report the concern to the Case Manager.
30. Once the investigation is completed, the Investigator will determine whether the acts complained of constitute Maltreatment. The Investigator will produce a written report summarizing the investigation and forward the same to the Case Manager.
31. The Investigator may make recommendations for any sanctions or corrective actions to be taken.
32. Upon receipt and review of the investigation report, the Case Manager will forward the report to the CAC.
33. Where a concern, incident, or complaint is substantiated, the CAC will impose appropriate sanctions against the offender. In appropriate situations, CAC may contact law enforcement officials or initiate legal action.
34. Where a concern, incident or complaint is not substantiated, there will be no repercussions against the Complainant as long as the report was made in good faith.
35. The Complainant and the Respondent shall be informed in writing of the results of the investigation and of any sanctions that will be imposed as a result of the investigation.

Request for Reconsideration

36. Both the Complainant and the Respondent have the right to submit a request for reconsideration to the CAC, however a reconsideration can only be requested where the alleged misconduct is considered to be a major misconduct as described in section 60 of the Code ("Criminal Convictions"), or misconduct which, in the case of a Coach, results in the Coach having their designation revoked by CAC. All other decisions shall be final and not subject to reconsideration. In all such cases, either party disagreeing with the decision may contact the Sport Dispute Resolution Centre of Canada ("SDRCC") to review whether the CAC's decision can be appealed before the SDRCC.
37. Upon receipt of a request for consideration from either party, or both parties, the Case Manager will set aside the CAC's decision taken following the investigation and, if appropriate, offer the parties an opportunity to participate in alternative dispute resolution ("ADR"), with the objective of resolving the dispute.
38. If the parties agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.

39. The purpose of ADR shall not be to judge, assign blame or mete out punishments but to mediate and facilitate a mutually satisfactory resolution between the parties.
40. Any negotiated decision will be binding on the parties and may not be appealed.

Discipline Panel

41. If the parties do not agree to participate in ADR, and are otherwise unable to achieve a resolution, the Case Manager, in consultation with the Professional Practices Chair (if the case involves a Coach), will appoint a Discipline Panel which shall consist of a single arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, in consultation with the Professional Practices Chair (if the case involves a Coach), a Discipline Panel of three persons may be appointed to hear the complaint. In the case of a three-person Discipline Panel, the Case Manager will select one of its members to be the Chairperson.
42. As with requests for reconsideration, the Discipline Panel may only hear complaints if the alleged misconduct is considered to be a major misconduct as described in section 60 of the Code ("Criminal Convictions"), or misconduct which, in the case of a Coach, results in the Coach having their designation revoked by CAC.

Selection of Hearing Procedures

43. The Discipline Panel will have the power to establish its own procedures. The Panel may take such steps and conduct the proceedings as considered necessary or desirable by the Panel to avoid delay and achieve a just, speedy and cost-effective resolution of the dispute.
44. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or video, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.

Conduct of the Hearing

45. The hearing will be governed by the procedures that the Case Manager, the Professional Practices Chair (if the case involves a Coach), and the Panel deem appropriate in the circumstances, provided that:
 - a) The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or video. A Notice of Hearing will be delivered to the parties no less than 14 days before the commencement of the hearing. The Notice of Hearing shall include a statement of the matters to be inquired into and a copy of this Code.
 - b) The date of the hearing may be adjourned prior to the commencement of the hearing, from time to time, by the Chairperson of the Discipline Panel, on application of either of the parties.
 - c) Copies of any written documents which the parties wish to have the 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, or legal counsel at their own expense.
 - e) The parties may, at their own expense, call witnesses to testify. Witnesses shall be truthful in their testimony and may be subject to examination and cross-examination.
 - f) The Panel may allow any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate.
 - g) In the case of a three-person Discipline Panel, the Panel will render, at a minimum, a majority decision.

46. In fulfilling its duties, the Panel may obtain independent advice.

Attendance at the Hearing

47. If the Respondent fails to attend at the hearing, the Discipline Panel may proceed with the hearing of the matter on the date and time specified in the Notice of Hearing without further notice to the Respondent and may make any determination and impose any penalty available to the Panel, which decision will be final and not subject to appeal.

No Hearing or Investigation Required

48. If the Respondent acknowledges the facts of the incident, the Case Manager may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.

49. The CAC may render a disciplinary decision without conducting an investigation and/or hearing under these Procedures where a Participant has been found by a court or tribunal to have engaged in conduct that constitutes a serious and significant violation of this Code. A Participant shall be deemed to have violated this Code if a court or tribunal has made a finding against the Participant, and the finding is based on facts which would, in the opinion of the CAC, be grounds for a finding of misconduct under the Code.

Decision

50. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the conclusion of the hearing, the Panel's written decision, with reasons, will be distributed to all parties and their counsel, the Case Manager, the Professional Practices Chair (if the case involves a Coach), and the CAC. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.

51. The Discipline Panel may dismiss the complaint, or any part of it, or determine that the Respondent has committed an offence(s) described in this Code.

52. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

53. If Maltreatment is proven, either at the investigation stage or later, as part of the Discipline Panel's decision, one or more of the following disciplinary sanctions may be imposed:

- a) verbal or written warning, i.e. a verbal reprimand or an official, written notice and formal admonition that the Participant has violated the Code and that more severe sanctions will result should the Participant be involved in other violations.
- b) verbal or written apology
- c) additional training or education, i.e. requirement that the Participant undertake specified educational or similar remedial measures to address the Maltreatment.
- d) service or other contribution to the CAC
- e) removal of certain privileges
- f) suspension, either for a set time or until further notice, or a permanent ban, from participation in any capacity, in any program, activity, or event sponsored by, organized by, or under the auspices of the CAC. A Participant may be eligible to return to sport, but reinstatement may be subject to certain restrictions or contingent upon

- the Participant satisfying specific conditions noted at the time of suspension or permanent ban.
- g) revocation of a Coach's official status and designation as a Chartered Professional Coach (ChPC) or Registered Coach.

Other sanctions for Maltreatment 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.

54. Any sanctions imposed by the Discipline Panel will take effect immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Panel will result in an automatic suspension until such time as compliance occurs.

Considerations

55. Any sanction imposed against a Participant must be proportionate and reasonable, relative to the Maltreatment that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of Maltreatment can lead to a very significant sanction. Factors relevant to determining appropriate sanctions for a Respondent include, without limitation:
- 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 inappropriate behaviour or Maltreatment;
 - 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, and/or cooperation in the investigation and/or hearing process;
 - f) Real or perceived impact of the incident on the Complainant, sport organization, or the sporting community as a whole;
 - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training; addiction; disability; illness);
 - h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

Presumptive Sanctions

56. The following sanctions are presumed to be fair and appropriate for the listed Maltreatment, but the Respondent affected may rebut these presumptions:
- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility and, in the case of a Coach, revocation of the Coach's official status and designation as a Chartered Professional Coach (ChPC) or Registered Coach.
 - b) Sexual Maltreatment, Physical Maltreatment with contact and Maltreatment related to Process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
 - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

Suspension Pending a Hearing

57. The Case Manager may determine that an alleged incident is of such seriousness as to warrant suspension of a Respondent pending completion of a criminal process, the investigation, the hearing, or a decision of the Discipline Panel, with or without notice. A suspension may also be imposed if it is deemed necessary to protect the Complainant or to ensure the integrity of any investigation or hearing process.

Record Keeping

58. Records of all investigations and decisions will be maintained by the CAC. All records will be kept confidential to the extent possible and except as required by law. The records will not be disclosed unless necessary to investigate a complaint, take corrective action or otherwise as required by law. However, this does not apply to final determinations of the Discipline Panel.

Appeals

59. Any decision rendered by the Discipline Panel will be final and binding on the parties, subject to the right of any party to seek a review of the Panel's decision pursuant to the rules of the SDRCC.

Criminal Convictions

60. A Participant's conviction for a Criminal Code offense, as determined by the CAC, will be deemed an infraction under these Procedures and will result in a permanent suspension and, in the case of a Coach, revocation of the Coach's official status and designation as a Chartered Professional Coach (ChPC) or Registered Coach. 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
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

In appropriate situations, the Case Manager may, upon receiving a complaint, contact law enforcement officials.

Confidentiality

61. The discipline process is confidential and involves only the CAC, the parties to the complaint, their legal counsel (if applicable), the Case Manager, the Discipline Panel, the Chairperson (if applicable), and any independent advisors to the Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the process to any person not involved in the proceedings.

62. Any failure to respect the above confidentiality requirement may result in sanctions or discipline.

63. However, it is understood 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, shall at some point in the future be maintained by an organization yet to be established, pursuant to the provisions contained in the UCCMS.

Timelines

64. If the circumstances of the complaint are such that adhering to the timelines outlined by these Procedures will not allow a timely resolution to the complaint, the Case Manager may direct that these timelines be revised.

Records and Distribution of Decisions

65. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc. may be advised of any decisions rendered in accordance with these Procedures.