CROSS COUNTRY SKI NOVA SCOTIA

SAFE SPORT POLICIES

Definitions 2

Statement on Safe Sport 6

Jurisdiction Policy 8

Code of Conduct and Ethics 11

Appendix A – UCCMS 24

Athlete Protection Policy 25

Appendix A – Photo and Video Consent Form 31

Discipline and Complaints Policy 33

Procedural Steps 42

Appendix A – Investigation Procedure 54

Appendix B - Publication Guidelines 57

Alternative Dispute Resolution Policy 60

Appeal Policy 62

Social Media Policy 69

Reciprocation Policy 75

Definitions

Athlete – an individual who is an athlete participant in CCNS who is subject to the policies of CCNS and to the Code of Conduct and Ethics

Athlete Support Personnel - any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition

Bullying means offensive behaviour and/or abusive treatment of an Organizational Participant that typically, but not always, involves an abuse of power.

Compromised Security means a significant and genuine risk to an individual's physical or psychological well-being.

Event means an event sanctioned by CCNS or a member, and which may include a social Event.

Harass **or** ***Harassment*** means a course of vexatious comments or conduct against an Organizational Participant or group, which is known or ought reasonably to be known to be unwelcome. Harassing behaviours may also be Maltreatment. Types of behaviour that constitute harassment include, but are not limited to:

i. written or verbal abuse, threats, or outbursts;

ii. the display of visual material which is offensive or which one ought to know is offensive;

iii. unwelcome remarks, jokes, comments, innuendo, or taunts;

iv. leering or other suggestive or obscene gestures;

v. condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;

vi. practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;

vii. any form of hazing;

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

ix. unwelcome sexual flirtations, advances, requests, or invitations;

x. physical or sexual assault;

xi. behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment; and/or

xii. retaliation or threats of retaliation against an individual who reports harassment.

Maltreatment has the meaning defined under the UCCMS, as amended from time to time.

Minor means an individual who has not attained the age of 19 years.

Organizational Participant refers to all categories of individual members and/or registrants of CCNS who are subject to the policies, rules and regulations of CCNS, as well as all persons employed by, contracted by, or engaged in activities with, CCNS including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, Athlete Support Personnel, managers, administrators, committee members, or directors and officers.

Person in Authority means any Organizational Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, or directors and officers.

Prohibited Behaviour means any conduct defined as Prohibited Behaviour under the UCCMS as may be amended from time to time, as well as any conduct that is prohibited by this *Code.*

UCCMS - Universal Code of Conduct to prevent and address Maltreatment in Sport, as amended from time to time. The UCCMS, as amended from time to time, is available here.

Vulnerable Participant or ***Vulnerable Organizational Participant*** *have the meanings* as defined in the UCCMS and amended from time to time, which includes the

following meaning: persons at increased risk of Maltreatment and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. Vulnerable Participants include persons who are not able to provide informed consent.

Worker – any person who performs work for CCNS, including employees, managers, supervisors, temporary Workers, volunteers, student volunteers, part-time Workers, the Board of Directors, and independent contractors

Workplace – any place where business or work-related activities are conducted. Workplaces include but are not limited to the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions.

Workplace Harassment – a course of vexatious comment or conduct against an Organizational Participant in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions.

Workplace Violence – the use of or threat of physical force by a person against a Worker in a Workplace that causes or could cause physical injury to the Worker; an attempt to exercise physical force against a Worker in a Workplace that could cause physical injury to the Worker; or a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker in a Workplace that could cause physical injury to the Worker

Cross Country Ski Nova Scotia ("CCNS")

Statement on Safe Sport

CCNS ("CCNS") is committed to providing a healthy and safe environment for the physical and mental well-being of every individual who is involved in the Nova Scotia cross country ski community.

CCNS is committed to creating a healthy, fun, accessible and inclusive environment in which athletes of all ages can live up to their full potential.

As part of this commitment, CCNS takes situations involving misconduct or maltreatment very seriously. CCNS is enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

CCNS's policies are intended to promote a safe environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise. They are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

Should anyone wish to report an incident or concern about misconduct or maltreatment involving anyone associated with CCNS, including but not limited to Athletes, coaches, officials, volunteers, and parents/guardians of Athletes, they may do so directly to CCNS, which will then determine the appropriate forum and manner to address the complaint.

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

a) All participants in sport can expect to play, practice, and compete, work, and interact in an environment free from Maltreatment.

b) Addressing the causes and consequences of Maltreatment is a collective responsibility and requires the deliberate efforts of all participants, the broader sport community, sport club administrators and organization leaders.

c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other participants.

d) Adult participants have a specific ethical duty and additional responsibility to respond to incidents of Maltreatment involving Minors and other vulnerable participants.

e) All participants recognize that Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from marginalized groups have increased vulnerability to experiences of Maltreatment.

f) All participants recognize that individuals who have experienced Maltreatment may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.

g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.

h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, which persists today, participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

Jurisdiction Policy

Purpose

1. The purpose of this Policy is to provide direction and guidance for the application of the various elements of the safe sport policies adopted by Cross Country Ski Nova Scotia.

Application

2. This Policy applies to all complaints which can be made pursuant to the policies of Cross Country Ski Nova Scotia.

ALIAS

3. Cross Country Ski Nova Scotia in cooperation with Sport Nova Scotia and the Province of Nova Scotia, has agreed to utilize the services of ALIAS Solution as its case manager and independent third-party adjudicator for certain categories of complaints against specified participants and members of their organization.

4. If a complaint meets the criteria set out below, ALIAS, acting as an independent third-party body, will address all matters about the complaint including intake, case management, investigation, hearing and decision pursuant to the Discipline and Complaints Policy and the other ancillary policies of CCNS.

5. ALIAS has sole jurisdiction over all complaints relating to Maltreatment against the following categories of participants in the activities of Cross Country Ski Nova Scotia

    a) Board Members

    b) Employees

    c) Committee Volunteers

    d) Team Coaches and Staff

    e) Technical Officials

    f) Athletes aged 19 and over

    g) Event volunteers

6. ALIAS has exclusive jurisdiction over complaints related to Maltreatment which were alleged to occur within two calendar years before (date of adoption).

7. In the event a complaint alleges incidents of Maltreatment that fall within the applicable time frame requiring ALIAS to address them but also include allegations of Maltreatment that fall outside the two-year lookback period, the historic complaint(s) will also be addressed by ALIAS as part of its resolution of the other complaints.

Maltreatment Complaints not Addressed by ALIAS.

8. The following complaints of Maltreatment will be addressed pursuant to the Discipline and Complaints Policy and not by ALIAS:

    a) Complaints in which the respondent has not yet reached the age of 19 (unless the respondent is a minor who is otherwise subject to ALIAS's jurisdiction by reason of being a Board Member, Employee, Committee Volunteer, Team Coach or Staff, Technical Official or an Event Volunteer);

    b) Complaints against a class of Organizational Participant that is not included in the list specified above in section 5; and

    c) Historic complaints of incidences of Maltreatment which are alleged to have occurred more than two years before (DATE of adoption).

All other Complaints

9. All other complaints related to alleged violations of the policies, rules and regulations of Cross Country Ski Nova Scotia including those made under the *Code*, shall be addressed by CCNS pursuant to the Discipline and Complaints Policy and the other ancillary policies provided herein.

Where Employment Agreement Exists

10. An employee of CCNS may also be subject to consequences in accordance with the employee's employment agreement or CCNS's human resources policies, if applicable, in addition to other processes if this individual is an Organizational Participant. If an allegation of misconduct is alleged to be a breach of both a workplace policy and the UCCMS, the matter may be referred for handling under

the policies and procedures of applicable to the UCCMS, in addition to any applicable workplace policy

Code of Conduct and Ethics
(the "Code")

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

Any modifications or amendments made to the UCCMS shall come into effect immediately and automatically without the need for any further action by CCNS.

CCNS has designated specific Organizational Participants within the organization as UCCMS Participants. The categories of individuals who have been designated as UCCMS Participants are identified below.

It is important to note that the Code applies to all Organizational Participants, but not all Organizational Participants are UCCMS Participants and subject to other applicable complaint processes adopted by CCNS.

Purpose

1. The purpose of the *Code* is to ensure a safe and positive environment within the programs, business, activities, and events of CCNS by making all Organizational Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with CCNS's core values, mission and policies.

2. CCNS and its Organizational Participants support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

Application of this Code

3. The *Code* applies to any Organizational Participant's conduct during the programs, business, activities, and Events of CCNS, including, but not limited to competitions, practices, evaluations, treatment, or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.

4. The *Code* also applies to Organizational Participants' conduct outside of the programs, business, activities, and events of CCNS when such conduct adversely affects CCNS's relationships (and the work and sport environment) or is detrimental to the image and reputation of CCNS. Such applicability will be determined by CCNS at its sole discretion.

5. In addition, the *Code* will apply to breaches that occur when the Organizational Participants involved interact due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Organizational Participant(s).

6. The *Code* applies to Organizational Participants active in the sport or who have retired from the sport where any claim regarding a potential breach of the *Code* occurred when the Organizational Participants were active in the sport.

<u>Prohibited Behaviours</u>

7. All Organizational Participants must refrain from any behaviour that constitutes a Prohibited Behaviour as defined by the UCCMS and this *Code*.

8. Organizational Participants are responsible for knowing what actions or behaviours constitute Prohibited Behaviours and Maltreatment.

9. The following Prohibited Behaviours as defined under the UCCMS include, but are not limited to:

    a) Physical Maltreatment
    b) Psychological Maltreatment
    c) Neglect
    d) Sexual Maltreatment
    e) Grooming
    f) Boundary Transgressions
    g) Discrimination
    h) Failing to Report
    i) Aiding and Abetting
    j) Retaliation
    k) Interference with or Manipulation of Process
    l) False Reports

In addition to the Prohibited Behaviours as defined by the UCCMS, the *Code* sets out other expected standards of behaviour and conduct for all Organizational

Participants, and any failure to respect these expected standards of behaviour by an Organizational Participant may constitute a breach of the *Code*. In addition, the following behaviours also constitute breaches of the *Code*:

a) Bullying
b) Harassment
c) Workplace Harassment
d) Workplace Violence

Responsibilities of all Organizational Participants

10. All Organizational Participants have a responsibility to:

a) refrain from any behaviour that constitutes Maltreatment and Prohibited Behaviour under the *Code*, the UCCMS and other conduct policies established by CCNS;

b) maintain and enhance the dignity and self-esteem of other Organizational Participants by:

i. treating each other with the highest standards of respect and integrity;

ii. focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other Organizational Participants;

iii. consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;

iv. consistently treating individuals fairly and reasonably; and

v. ensuring adherence to the rules of the sport and the spirit of those rules.

c) refrain from the use of power or authority to coerce another person to engage in inappropriate activities;

d) refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or Events of CCNS;

e) in the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or Event;

f) in the case of individuals who are not Minors, not consume cannabis in the Workplace or in any situation associated with the Events of CCNS(subject to protections under applicable human rights legislation), not consume alcohol during training, competitions, or in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations;

g) when driving a vehicle:

   i. have a valid driver's license;

   ii. not be under the influence of alcohol or illegal drugs or substances;

   iii. have valid car insurance; and

   iv. comply with the rules of the road, drive safely and refrain from engaging in any activity that would constitute distracted driving.

h) respect the property of others and not wilfully cause damage;

i) promote sport most constructively and positively possible;

j) refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a para-classification and/or not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a para-classification. A benefit includes the direct or indirect receipt of money or anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages;

k) refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a competition and/or not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition. A benefit includes the direct or indirect receipt of money or anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages;

l) adhere to all applicable federal, provincial/territorial, municipal and host country laws; and

m) comply, at all times, with the By-laws, policies, procedures, and rules and regulations of CCNS, as applicable and as adopted and amended from time to time.

Directors, Committee Members, and Staff

11. In addition to section 10 (above), directors, committee members, and staff of CCNS have additional responsibilities to:

a) function primarily as a director, committee member or staff member of CCNS(as applicable) and ensure to prioritize their loyalty to CCNS(and not to any other organization or group) while acting in this role. Certain obligations of directors, such as confidentiality, continue after the end of a director's or committee member's term;

b) act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of an Organizational Participant's confidence;

c) ensure that financial affairs are conducted responsibly and transparently with due regard for all fiduciary responsibilities;

d) comply with their obligations under the Screening Policy, including understanding ongoing expectations under the Screening Policy and fully cooperating in the screening process;

e) conduct themselves openly, professionally, lawfully and in good faith;

f) be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism to influence their decision-making on behalf of CCNS;

g) exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws;

h) maintain required confidentiality of organizational information;

i) commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings; and

j) have a thorough knowledge and understanding of all governance documents.

Athlete Support Personnel

12. In addition to section 10 (above), Athlete Support Personnel have many additional responsibilities.

13. Athlete Support Personnel must understand and respect the inherent power imbalance that exists in this relationship and must not abuse it, either consciously or unconsciously.

14. Athlete Support Personnel will:

a) avoid any behaviour that abuses the Power Imbalance inherent in the coaching position of the Athlete Support Personnel;

b) ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes;

c) prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes;

d) avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments;

e) support the Athlete Support Personnel of a training camp, provincial/territorial team, or national team should an Athlete qualify for participation with one of these programs;

f) comply with all established responsibilities and obligations as set out by the Athlete Support Personnel's professional governing association or order, if any;

g) accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate;

h) provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete;

i) act in the best interest of the Athlete's development as a whole person;

j) comply with their obligations under the Screening Policy, including understanding ongoing expectations under this policy and fully cooperating in the screening process;

k) under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of Minors, alcohol, cannabis, and/or tobacco;

l) respect competitor Athletes and, in dealings with them, not encroach upon topics or take actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes;

m) when a Power Imbalance exists, not engage in a sexual or intimate relationship with an Athlete of any age;

n) disclose to CCNS any sexual or intimate relationship with an Athlete over the age of majority and, if requested by CCNS, immediately discontinue any coaching involvement with that Athlete;

o) avoid compromising the present and future health of Athletes by communicating and cooperating with sport science and sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments, including when discussing optimal nutritional strategies or weight control methods for junior-aged Athletes and above (18 + years of age). Dieting and other weight control methods are not permitted for Athletes 17 years of age and younger;

p) recognize the power inherent in the position of Athlete Support Personnel and respect and promote the rights of all Organizational

Participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of Organizational Participants who are in a vulnerable or dependent position and less able to protect their own rights; and

q) dress professionally and use appropriate language, considering the audience being addressed (e.g., the age/maturity of the individuals).

Athletes

15. In addition to section 10 (above), Athletes will have additional responsibilities to:

    a) follow their athlete agreement (if applicable);

    b) report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;

    c) participate and appear on time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations;

    d) properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason;

    e) adhere to any rules and requirements regarding clothing, professionalism, and equipment; and

    f) act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by Athlete Support Personnel.

Officials

16. In addition to section 10 (above), officials will have additional responsibilities to:

    a) maintain and update their knowledge of the rules and rules changes;

    b) not publicly criticize other Organizational Participants;

c) adhere, at all times, to the rules of their international federation and any other sporting organization that has relevant and applicable authority;

d) place the safety and welfare of competitors, and the fairness of the competition above all else;

e) strive to provide a fair sporting environment and, at no time, engage in Maltreatment or Prohibited Behaviour toward any person on the field of play;

f) respect the terms of any agreement that they enter with CCNS;

g) work within the boundaries of their position's description while supporting the work of other officials;

h) act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations;

i) take ownership of actions and decisions made while officiating;

j) respect the rights, dignity, and worth of all Organizational Participants;

k) act openly, impartially, professionally, lawfully, and in good faith;

l) be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;

m) respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Organizational Participants;

n) comply with their obligations under the Screening Policy, including understanding ongoing expectations under this policy and fully cooperating in the screening process;

o) honour all assignments, unless unable to do so by virtue of illness or personal emergency and, in these cases, inform a supervisor or CCNS at the earliest possible time;

p) when writing reports, set out the facts to the best of their knowledge and recollection; and

q) dress in proper attire for officiating.

Parents/Guardians and Spectators

17. In addition to section 10 (above), parents/guardians and spectators at Events will:

a) encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence;

b) condemn the use of violence in any form;

c) never ridicule an Organizational Participant for making a mistake during a competition or practice;

d) respect the decisions and judgments of officials and encourage Athletes to do the same;

e) support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm;

f) respect and show appreciation to all competitors, and to coaches, officials and other volunteers;

g) never harass Organizational Participants, competitors, coaches, officials, parents/guardians, or other spectators; and

h) never encourage, aid, cover up or assist an Athlete in cheating through doping, competition manipulation or other cheating behaviours.

Members and Clubs

18. Members and Clubs must:

a) adhere to all CCNS governing documents and, where necessary, amend their own rules to comply or align with those of CCNS;

b) pay all required dues and fees by the prescribed deadlines;

c) ensure that all Athletes and coaches participating in sanctioned competitions and Events of CCNS are registered and in good standing;

d) appropriately screen prospective employees to help ensure Athletes have a healthy and safe sport environment;

e) ensure that any possible or actual misconduct is addressed promptly and thoroughly;

f) impose appropriate disciplinary or corrective measures when misconduct has been substantiated;

g) advise CCNS immediately of any situation where a complainant has publicized a complaint in the media (including social media);

h) provide CCNS with a copy of all decisions rendered pursuant to the Organization's policies for complaints and appeals;

i) implement any decisions and disciplinary sanctions imposed pursuant to CCNS's discipline process;

Anti-Doping[1]

19. CCNS adopts and adheres to the Canadian Anti-Doping Program. CCNS will respect any sanction imposed on an individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.

20. All Organizational Participants shall:

a) abstain from the non-medical use of medications or drugs or the Use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force;

b) refrain from associating with any person for coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an Anti-Doping Rule violation and is serving a period of Ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules;

[1] Any capitalized terms used in this Anti-Doping section shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.

c) cooperate with any Anti-Doping Organization that is investigating any anti-doping rule violation(s);

d) refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes tampering as defined in the Canadian Anti-Doping Program; and

e) all Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under CCNS's jurisdiction.

Retaliation, Retribution or Reprisal

21. It is a breach of the Code for any Organizational Participant to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Organizational Participant from filing, in good faith, a complaint pursuant to any CCNS policy.

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

23. Any Organizational Participant found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

Privacy

24. The collection, use and disclosure of any personal information pursuant to this policy is subject to CCNS's Privacy Policy, should such a policy exist.

Appendix A – UCCMS

The UCCMS, as amended from time to time, is available here.

Athlete Protection Policy

Purpose

1. This *Athlete Protection Policy* describes how Persons in Authority shall maintain a safe sport environment for all Athletes.

Interactions between Persons in Authority and Athletes – the 'Rule of Two'

2. CCNS requires that the 'Rule of Two' be followed for all Persons in Authority who interact with Athletes, to the maximum extent feasible. The 'Rule of Two' is a directive that says that an Athlete must never be alone one-on-one with an unrelated Person in Authority.

3. CCNS recognizes that fully implementing the 'Rule of Two' may not always be possible in some instances. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:

    a) To the maximum extent possible, the training environment should be visible and accessible so that all interactions between Persons in Authority and Athletes are observable.

    b) Private and one-on-one situations that are not observable by another adult or Athlete should be avoided to the maximum extent possible.

    c) A Vulnerable Organizational Participant may not be alone under the supervision of a Person in Authority unless prior written permission is obtained from the Vulnerable Organizational Participant's parent or guardian.

    d) Persons in Authority may not invite or host Vulnerable Organizational Participants in their home without the written permission from parents or guardians or without parents or guardians having contemporaneous knowledge of the visit.

Competitions, Training Sessions, and Practices

4. For competitions, training sessions and practices, CCNS recommends:

    a) A Person in Authority should never be alone with a Vulnerable Organizational Participant prior to or following a competition or training

session unless the Person in Authority is the Vulnerable Organizational Participant's parent or guardian.

b) If the Vulnerable Organizational Participant is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or Person in Authority arrives.

c) If a Vulnerable Organizational Participant would potentially be alone with a Person in Authority following a competition or training session, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Organizational Participant, should be present to avoid the Person in Authority being alone with a Vulnerable Organizational Participant.

d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority.

e) Persons in Authority and Athletes should take steps to achieve transparency and accountability in their interactions. For example, a Person in Authority and an Athlete who know they will be away from other Organizational Participants for a lengthy period must inform another Person in Authority where they are going and when they are expected to return. Persons in Authority should always be reachable by phone or text message.

Communications

5. For communication between Persons in Authority and Athletes, CCNS recommends:

a) Persons in Authority may only send texts, direct messages on social media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone.

b) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such personal communication is unavoidable, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian (when the Athlete is a Vulnerable Organizational Participant).

c) Parents/guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or may request that certain information about their child not be distributed in any form of electronic communication.

d) All communication between a Person in Authority and Athletes must be between the hours of 6:00 am and midnight, unless extenuating circumstances justify otherwise.

e) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted.

f) No sexually explicit language or imagery or sexually oriented conversation may be communicated in any medium.

g) Persons in Authority are not permitted to ask Athletes to keep a personal secret for them.

Travel

6. For travel involving Persons in Authority and Athletes, CCNS recommends:

a) Teams or groups of Athletes shall always have at least two Persons in Authority with them.

b) For mixed gender teams or groups of Athletes, there should be one Person in Authority from each gender.

c) If two Persons in Authority cannot be present, reasonable efforts should be made to supplement supervision with screened parents or other volunteers.

d) To the maximum extent possible, no Person in Authority may drive a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian.

e) A Person in Authority may not share a hotel room or be alone with an Athlete unless the Person in Authority is the Athlete's parent/guardian or spouse.

f) Room or bed checks during overnight stays must be done by two Persons in Authority.

g) For overnight travel when Athletes must share a hotel room, roommates must be age-appropriate and of the same gender identity.

Locker Rooms/Changing Areas

7. For locker rooms, changing areas and other closed meeting spaces, CCNS recommends:

   a) Interactions between Persons in Authority and Athletes should not occur in any area where there is a reasonable expectation of privacy such as a locker room, washroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such area.

   b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, for reasons including but not limited to team communications and/or emergencies.

Photography/Video

8. For all photography and video of an Athlete, CCNS recommends:

   a) Photographs and video should only be taken in public view. Content must observe generally accepted standards of decency and be both appropriate for and in the best interest of the Athlete.

   b) The use of recording devices in areas where there is a reasonable expectation of privacy is strictly prohibited.

c) Examples of photos that shall be edited or deleted include:

i. images with misplaced apparel or where undergarments are showing;

ii. suggestive or provocative poses; and

iii. embarrassing images.

d) If any content featuring an Athlete will be used on any form of public media, a Photo and Video Consent Form (**Appendix A**) must be completed before the content is recorded.

Physical Contact

9. Some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill, or tending to an injury. For physical contact, CCNS recommends:

a) A Person in Authority must always request permission to make physical contact from the Athlete in advance and clearly explain where and why the physical contact will occur. The Person in Authority must make clear that they are requesting to touch the Athlete and not requiring physical contact.

b) Infrequent, incidental physical contact during a training session is not considered a violation of policy.

c) Non-essential physical contact may not be initiated by the Person of Authority. It is recognized that some Athletes may initiate non-essential physical contact such as hugging or other physical contact with a Person in Authority for various reasons (e.g., such as celebrating or crying after a poor performance). This physical contact should always occur in an open and observable environment.

Enforcement

10. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to the *Discipline and Complaints Policy*.

Appendix A – Photo and Video Consent Form

Name of Organizational Participant (print): _____

Name of Parent/Guardian (print): _____

(*When the Organizational Participant is a Minor*)

Date: _____

1. I, being the Organizational Participant or the parent or legal guardian of the minor Organizational Participant, hereby grant to CCNS and [Insert Name of Club/Organization] (collectively the "Organizations") the permission to photograph and/or record the Organizational Participant's image and/or voice in pictures or videos (collectively the "Images"), and to use the Images to promote the sport and/or the Organizations through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity.

2. I, being the Organizational Participant or the parent or legal guardian of the Minor Organizational Participant, hereby fully release, discharge, and agree to save harmless the Organizations, from any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Organizational Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriation of personality, or invasion of privacy.

3. I, being the Organizational Participant or the parent or legal guardian of the Minor Organizational Participant, **UNDERSTAND AND AGREE** that I have read and understood the terms and conditions of this document. On behalf of myself, my heirs, and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signature of Organizational Participant:

_____

OR, if the Organizational Participant is a Minor

Signature of Parent/Guardian: _____

Discipline and Complaints Policy

PURPOSE

1. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of Cross Country Ski Nova Scotia ("CCNS"), as updated and amended from time to time.

2. Non-compliance with any of CCNS's policies, by-laws, rules, or regulations, or those of its members, as applicable, may result in the imposition of sanctions pursuant to this policy and/or the by-laws of CCNS or, as applicable, those of its members.

3. Subject to the Jurisdiction Policy, this Policy provides the process by which an Organizational Participant (the ***Complainant***) may make a report of an incident, or a suspected incident, of CCNS's policies, by-laws, rules or regulations, and the individual accused of such incident or suspected incident (the ***Respondent***) may respond and potentially be subject to sanctions.

APPLICATION

Application – General

4. Subject to the Jurisdiction Policy, this policy applies to all Organizational Participants with respect to any alleged breaches of CCNS's policies, by-laws, rules or regulations, or any of those of its members, which designate this policy as applicable to address such alleged breaches.

Timeliness of Complaint

5. A Complainant has an obligation to make complaints under this policy in a timely manner. Generally, complaints must be made within 30 calendar days of the alleged act or acts in question. In the event of a series of actions which form the subject matter of a complaint, the complaint must be made within 30 days of the last of the acts in the series. In the event a complaint is made outside the 30-day time limit, the decision-maker having authority to hear the complaint may permit the complaint to proceed, notwithstanding the time limit's expiry, if it is determined that one or more of the following circumstances exist:

a. allegations of a sexual nature;
b. situations where the Complainant was coerced, threatened or otherwise influenced or counselled against making a complaint by or on behalf of the Respondent;
c. if the Complainant was a minor at the time of the actions in question;
d. if the Complainant is a person with a disability;
e. if for a legitimate reason, the Complainant was unable or unwilling to make the complaint within the 30-day time limit; or
f. any other compelling reason, which in the sole discretion of the applicable decision-maker, excuses the Complainant from meeting the 30-day deadline.

MINORS

6. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.

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

8. 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.

9. 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.

COMPLAINT PROCESS

10. CCNS will appoint a director, head coach, staff member, or other individual affiliated with CCNS to act as the **Case Manager** (the "**CM**").

11. The CM must agree not be in a conflict of interest or have a direct relationship with any of the parties to a complaint and, in the event the CM is ineligible to act due to such a conflict or direct relationship, the Board of CCNS shall appoint an alternate CM.

12. Upon receipt of a complaint, the CM will:

a) determine whether the complaint falls within the jurisdiction of this policy pursuant to the Jurisdiction Policy;

b) determine if there is another appropriate jurisdiction to manage the complaint by considering the following:

i. whether the incident occurred within the business, activities, or Events of [ORGANIZATION ACRONYM], the NSO or one of its members or affiliated organizations; and

ii. if the NSO member or affiliated organization is the appropriate body to manage the complaint process[2].

c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith;

d) determine whether the complaint has been made in a timely manner

e) make any necessary contact with relevant parties to the complaint, representatives of (ORGANIZATION) that it deems necessary and make such inquiries as may be required to obtain further clarity on details of the complaint and the relevant parties to the complaint;

f) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and

g) choose which process (Process #1, Process #2, or Process # 3, as outlined below) should be followed to hear and adjudicate the matter.

[2] In making this assessment, the CM may determine that the member or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the member or affiliated organization is not the appropriate instance to manage the complaint due to its seriousness (for example, clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the member or affiliated organization.

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

Participation in Complaint Process

13. If a Party chooses not to participate in the hearing, the CM will make multiple efforts to contact them and give them a stern warning that failure to respond may result in a sanction being made against them without their participation. If this occurs and a Party continues to not participate, the hearing will proceed without further notice or opportunity to participate or provide submissions for the Party refusing to participate.

AVAILABLE PROCESSES

14. There are three different processes that may be used to hear and adjudicate complaints. The CM decides which process will be followed at their discretion, and such decision is not appealable.

Process #1

15. Process 1 is to be selected by the CM if:

    A. the complaint contains allegations involving the following non-exhaustive list behaviours:

        i. Disrespectful conduct or comments

        ii. Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2

        iii. Conduct contrary to the values of CCNS or those of one of its members or affiliated organizations

        iv. Non-compliance with the policies, procedures, rules, or regulations of CCNS or those of one of its members or affiliated organizations.

        v. Minor violations of the policies or bylaws of CCNS or those of one of its members or affiliated organizations.

    AND

B. If all the allegations contained in the complaint were assumed to be true, the sanction would not involve any period of ineligibility for the respondent. In determining this question, the CM may consider the following non-exhaustive list of factors, which would tend to make Process #1 appropriate:

i. There does not appear to be a serious risk of continued harm to the Complainant and/or other Organizational Participants;

ii. There is not a need for an interim sanction;

iii. The material facts related to the complaint are not significantly in dispute between the Complainant and the Respondent;

iv. The issues relevant to the complaint can be easily identified and a decision can be made without the need for multiple witnesses beyond the Complainant and the Respondent; and/or

v. Education, a warning or an apology is the likely outcome of the complaint if the facts alleged by the Complainant are assumed to be true.

Process #2

16. Process 2 is to be selected by the CM if:

A. the complaint contains allegations involving the following non-exhaustive list behaviours:

i. Disrespectful conduct or comments

ii. Minor acts of physical violence between a Person in Authority and a Vulnerable Participant

iii. Conduct contrary to the values of CCNS or those of one of its members or affiliated organizations

iv. Non-compliance with the policies, procedures, rules, or regulations of CCNS or those of one of its members or affiliated organizations.

v. Minor violations of the policies or bylaws of CCNS or those of one of its members or affiliated organizations.

vi. repeated incidents described in Process #1;

vii. hazing;

viii. abusive, racist, or sexist comments, conduct or behaviour;

ix. incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the "*Code*") or the UCCMS;

x. major incidents of violence (e.g., fighting, attacking);

xi. pranks, jokes, or other activities that endanger the safety of others;

xii. conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition;

xiii. conduct that intentionally damages the image, credibility, or reputation of CCNS or that of one of its members or affiliated organizations;

xiv. consistent disregard for the by-laws, policies, rules, or regulations of CCNS or those of one of its members or affiliated organizations;

xv. major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;

xvi. intentionally damaging the property of CCNS, one of its members or affiliated organizations, or improperly handling any of the aforementioned Organizations' monies;

xvii. abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or

xviii. a conviction for any *Criminal Code* offense.

AND

B. If all the allegations contained in the complaint were assumed to be true, the sanction could include a period of ineligibility for the Respondent. In determining this question, the CM may consider the following non-exhaustive list of factors, which would tend to make Process #2 appropriate over Process #1:

i. There could be a risk of continued harm to the Complainant and/or other Organizational Participants;

ii. There may be a need for an interim sanction;

iii. The material facts related to the complaint are in dispute between the Complainant and the Respondent; and/or

iv. The issues relevant to the complaint cannot be easily identified and it appears there will be a need for multiple witnesses beyond the Complainant and the Respondent.

Process #3

17. Process #3 provides for an independent three-person panel and is reserved for complaints in which the criteria for Process #2, above, are met and there is an additional need for a three-person panel to determine the complaint. It is presumed that for most cases, Process #2 will be the preferable process, however, in certain complaints the factual circumstances and/or parties involved may support the need for a panel to make the decision. The following non-exhaustive list of factors would support the CM's decision to choose Process #3:

a) There is a significant number of Complainants, Respondents and/or witnesses in the Complaint

b) The Complaint is factually complex

c) The Complaint involves allegations of an extremely serious nature

d) The decision rendered in the Complaint could have a significant impact on the sport in the Province

e) The Complainant(s) and/or Respondent(s) are high-profile individuals within the sport or the PSO

f) The subject-matter of the Complaint has been reported on and/or is being followed by the media

g) The Complaint raises questions which would be best addressed by a panel with a variety of perspectives and/or life experiences

PROVISIONAL MEASURES

18. If it is considered appropriate or necessary on the basis of the circumstances, the Board of Directors of the CCNS or their designate may impose such interim measures against an Organizational Participant as it deems appropriate, which include but are not limited to barring them temporarily from participating in Events or activities of CCNS and its members, or as otherwise decided pursuant to the Discipline and Complaint Policy, prior to completion of an investigation, assessment and/investigation, criminal process, the hearing or the decision rendered in a hearing conducted pursuant to this policy, after which further discipline or sanctions may be applied according to this or other applicable policies (**a Provisional Suspension** or **Interim Measure**).

19. In determining the appropriateness of a provisional measure, consideration will be given to the circumstances as a whole and, in particular, the seriousness and nature of the complaint, the potential for further harm in the period between the time the complaint is made and an ultimate decision is rendered, whether the complaint relates to misconduct of a sexual nature and whether the complainant is in a position of Compromised Security.

20. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or Interim Measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the designated party at the competition.[3]

[3] In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Organizational Participant from facing additional disciplinary proceedings under the Code.'

21. Any Respondent against whom a Provisional Suspension or Interim Measure is imposed may make a request to the Independent Discipline Chair or Independent Discipline Panel (if appointed) to have the Provisional Suspension or Interim Measure lifted. In such circumstances, CCNS 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.

22. Any decision not to lift a Provisional Suspension or Interim Measure shall not be subject to appeal.

POLICE INVOLVEMENT

23. The disciplinary and complaint procedure will not be operated in any manner which has the potential to interfere with a police investigation. In the course of case administration, investigation, disclosure or hearing of the complaint itself, the CM, Disciplinary Panel Member, investigator or such other party who receives such information may be under an obligation to give information or provide evidence to the relevant police authority in their jurisdiction.

Procedural Steps

PROCESS #1:

CM Acts as Discipline Chair.

1. Following a determination that the complaint or incident should be handled under Process #1, the CM will become the adjudicative party to address the issues raised by the complaint in the most efficient and expedient manner possible, having regard to the need to ensure fairness to Complainant and the Respondent(s) and the complexity and nature of the allegations.

2. Under Process #1 the CM will:

a) propose alternative dispute resolution techniques, if appropriate;

b) request written submissions/responses to be provided within 5 business days of the request, together with any relevant evidence in support of factual allegations;

c) consult, as deemed necessary with non-interested members of Cross Country Ski Nova Scotia to obtain information related to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the Complainant and the Respondent; and

d) if, upon review, there are limited disputes of material fact between the Complainant and Respondent, the CM will render a decision based on the written submissions and evidence of the parties; or

e) if, upon review, there are sufficient facts in dispute between the parties' accounts of events, or the circumstances otherwise warrant, hold a brief, oral hearing, to be conducted via video conference link, in which each party is entitled to present evidence for no more than 20 minutes on the subject of the complaint, after which the CM will render a decision.

3. The CM will issue a decision in writing with brief reasons for the decision and provide it to the parties to the complaint under conditions of confidentiality.

4. The decision shall be provided to and maintained in the records of the relevant club, member and CCNS. Decisions made under Process #1 shall remain confidential and not be published or otherwise disclosed by CCNS.

Process #2:

Independent Discipline Chair

1. Following the determination that the complaint or incident should be handled under Process #2, the CM will appoint an Independent Discipline Chair, comprised of an individual who certifies that they are free from conflicts of interest and/or a direct relationship with any of the parties (the **IDC**). For the purposes of Process #2, it is permitted for the IDC to be a member of (ORGANIZATION) such as a board member or coach, provided the other criteria of this section and other relevant policies are complied with; and

2. propose alternative dispute resolution techniques, if appropriate.

3. Following the appointment of the IDC, the IDC shall:

    a) consult, as deemed necessary with non-interested members of Cross Country Ski Nova Scotia to obtain information relevant to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the complainant and the Respondent

    b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the IDC any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the material allegations from the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or

    c) following receipt of the Parties' submissions, the IDC may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions.

4. Following their review of the submissions and evidence related to the complaint, the IDC shall determine if a violation of Cross Country Ski Nova Scotia's Policies have occurred and, if so, determine whether to impose a sanction (see: Sanctions). If, after hearing the parties and reviewing their

submissions, the IDC considers that a violation of Cross Country Ski Nova Scotia's s Policies have not occurred, they shall dismiss the complaint.

5. The Case Manager will inform the Parties of the IDC's decision, which shall be in writing and include reasons. The IDC's decision will take effect immediately, unless specified otherwise by the IDC. Should circumstances require a decision to be rendered immediately or within a short timeline, the IDC may render a short decision, either orally or in writing, followed by a written reasoned decision.

6. Any decision rendered by the IDC will be provided to and maintained in the records of the relevant club, member and CCNS. **The publication of any decision will be made in accordance with the** CCNS policies and Appendix B, hereto. Identifying information regarding Minors or Vulnerable Participants will never be published.

PROCESS #3: Handled by Independent Discipline Panel

1. Following the determination that the complaint should be handled under Process #3, the Case Manager will propose the use of alternative dispute resolution methods, if appropriate. In the event such methods are insufficient to resolve the complaint or inappropriate, the Case Manager will appoint a panel of three independent, unbiased individuals to act as an Independent Discipline Panel, with one member being elected from among them to be Chair.

2. The Independent Discipline Panel will:

    a) Confirm that each of them are free from conflicts of interest and from any direct relationship with the parties, including Cross Country Ski Nova Scotia in the event Cross Country Ski Nova Scotia is a complainant or respondent.

    b) consult, as deemed necessary, with non-interested members of Cross Country Ski Nova Scotia to obtain information relevant to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the Complainant and the Respondent

c) Establish and adhere to timelines that ensure procedural fairness (both Complainant(s) and Respondent(s) have a fair opportunity to present, review and respond to evidence relating to the matters complained of) and that the matter is heard in a timely fashion; and

d) 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.

3. The hearing will be governed by the procedures that the Independent Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:

a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and CCNS and/or the member are reasonable.

b) The Parties will be given appropriate notice of the day, time, and place of the hearing.

c) Copies of any written documents which any of the Parties wishes to have the Independent Discipline Panel consider will be provided to all Parties, through the Case Manager or IDP, in advance of the hearing and in accordance with the timelines set by the Independent Discipline Panel.

d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense, provided, however, that the intention of the process is that complainants and respondents provide their own evidence and information and this evidence and information, unless necessary, is not to be provided by a third-party.

e) The IDP may request that any other individual participate and give evidence at the hearing, including a representative of CCNS who, provided they are not a witness to the material events related to the

complaint or biased in any way, may be called to give evidence regarding the procedures and practices of CCNS.

f) The Independent Discipline Panel shall have discretion with respect to allowing any evidence at the hearing to be filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The Independent Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to 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 (e.g. evidence of good character, hearsay statements [subject to limited exceptions], expert opinion from an unqualified witness, solicitor and client privileged communications, similar fact evidence]; or
   ii. is inadmissible by any statute (see *Canada Evidence Act*).

h) The decision will be by a majority vote of the Independent Discipline Panel.

4. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the Independent Discipline Panel will determine the appropriate sanction. The Independent Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

5. The process will proceed if a Party chooses not to participate in the hearing.

6. If a decision may affect another Organizational Participant to the extent that the other Organizational Participant would have recourse to a complaint or an appeal in their own right, that Organizational Participant will be made a Party to the complaint, shall be permitted to participate in the proceedings as determined by the Independent Discipline Panel, and will be bound by the decision.

7. In fulfilling its duties, the Independent Discipline Panel may obtain independent advice.

DECISION

8. After hearing the matter, the Independent Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the Independent Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.

9. Within fourteen (14) days of the conclusion of the hearing, the Independent Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Case Manager, including to CCNS and the relevant member(s).

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

11. The Independent Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Independent Discipline Panel. The Independent Discipline Panel's decision will apply automatically to CCNS and all of its members and associated organizations, [according to the terms of the *Reciprocity Policy*].

12. Once the appeal deadline in the *Appeal Policy* has expired, CCNS or the member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Respondent(s) involved and the sanction(s) imposed, if any, or as otherwise specified by the Publication Guidelines attached as Appendix B. 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.

13. If the Independent Discipline Panel dismisses the complaint, the information referred to in Section 12 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 12 above will be kept confidential by the Parties, the Independent Third Party, CCNS(including the Respondent's club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.

14. Other individuals or organizations, including but not limited to, members, provincial/territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this policy.

15. Records of all decisions will be maintained by CCNS in accordance with their Privacy Policy.

16. When the Independent Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:

    a) jurisdiction;

    b) summary of the facts and relevant evidence;

    c) where applicable, the specific provision(s) of CCNS's policies, bylaws, rules or regulations that have been breached;

    d) which Party or organization is responsible for the costs of implementing any sanction;

    e) which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;

    f) the reinstatement conditions that the Respondent must satisfy (if any);

    g) which organization is responsible for ensuring that the conditions have been satisfied; and

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

17. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Independent Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

18. When determining the appropriate sanction, the CM, the IDC or Independent Discipline Panel, as applicable, will consider the following, non-exhaustive list of factors:

a) the nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance between the parties;

b) the Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;

c) the respective ages of the individuals involved;

d) whether the Respondent poses an ongoing and/or potential threat to the safety of others;

e) the Respondent's voluntary admission of the offence(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of CCNS;

f) real or perceived impact of the incident on the Complainant, sport organization or the sporting community as seen by a reasonable person;

g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability; illness);

h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;

i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or

j) other mitigating or aggravating circumstances.

19. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.

20. The Independent Discipline Chair or Independent Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an Organizational Participant(s) has violated the *Code* and that more severe sanctions will result should the Organizational Participant(s) be involved in other violations

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

c) **Probation** - Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.

d) **Suspension** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the authority of CCNS. A suspended Organizational Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant(s) satisfying specific conditions noted at the time of suspension.

e) **Eligibility Restrictions** - restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions

f) **Permanent Ineligibility** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of CCNS.

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.

21. The Independent Discipline Panel, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

    a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.

    b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.

    c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

22. An Organizational Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with CCNS. Such *Criminal Code* offences may include, but are not limited to:

    a) any child pornography offences;

    b) any sexual offences; and

    c) any offence of physical violence.

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

OTHER APPLICABLE SANCTIONS

24. CCNS will ensure that any sanctions or measures imposed by other authorities that are duly authorized to impose sanctions (e.g. an NSO sanction) against an Organizational Participant will be implemented and respected within CCNS's jurisdiction once CCNS receives appropriate notice of any sanction or measure.

APPEALS

25. The decision of the IDC or Independent Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

CONFIDENTIALITY

26. The disciplinary and complaint management process is confidential and involves only CCNS, the member (where applicable) the Parties, the Case Manager, an ADR professional, the Independent Discipline Chair, the Independent Discipline Panel (as appropriate), and any independent advisors to the Independent Discipline Panel.

27. None of the Parties (or their representatives or witnesses) or organizations referred to herein will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless CCNS is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

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

TIMELINES

29. If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the CM, IDC or Independent Discipline Panel may direct that these timelines be revised, as appropriate.

PRIVACY

30. The collection, use and disclosure of any personal information pursuant to this policy is subject to CCNS's Privacy Policy, if such a policy exists.

31. CCNS, its members, or any of their delegates pursuant to this policy (i.e., Case Manager, Independent Discipline Chair, Independent Discipline Panel), shall comply with CCNS's *Privacy Policy* (or, in the case if a member, the member's *Privacy Policy*) in the performance of their services under this policy, should such a policy exist.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Case Manager, the Case Manager will determine if the incident(s) should be investigated.

Investigation

2. If the Case Manager considers that an investigation is necessary, they will appoint an investigator. The investigator must be independent of the Case Manager and CCNS with experience in investigating. The investigator must not be in a conflict-of-interest situation and should also have no connection to either Party.

3. The investigation may take any form as decided by the investigator. The investigation may include:

    a) interviews with the Complainant;

    b) witness interviews;

    c) statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant and provided to the Respondent;

    d) interviews with the Respondent; and

    e) statement of facts (Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

4. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an Independent Discipline Panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code of Conduct and*

Ethics, the UCCMS or any other relevant and applicable CCNS or member policy.

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

6. The Investigator's Report will be provided to the Case Manager who will disclose, at their discretion, all or part of it to CCNS and to the relevant member organization (if applicable), subject to strict requirements of confidentiality. The Case Manager may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the Parties. Alternatively, and only if determined to be necessary or appropriate, the Case Manager, the Independent Discipline Chair or the Independent Discipline Panel, other relevant Organizational Participants may be provided an executive summary of the investigator's findings.

7. An investigator may be responsible to report information to the police or other relevant authority or warn a member of CCNS if, in the course of the investigation, there are reasonable grounds to believe that a Vulnerable Participant or child is in need of protection or there is a genuine risk of serious bodily harm to any person if a matter is not reported by the Investigator.

Reprisal and Retaliation

8. Any Organizational Participant against whom a complaint has submitted to the Case Manager by an Organizational Participant, or which Organizational Participant gives evidence in an investigation are strictly prohibited from engaging in reprisal or retaliation.

9. Any such conduct may constitute Prohibited Behaviour be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, other duly authorized and applicable policies and procedures.

False Allegations

10. An Organizational Participant who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of

the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to CCNS or the member (as applicable) that the Organizational Participant be required to pay for the costs of any investigation that comes to this conclusion.

11. Any Organizational Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any member and CCNS Events, activities or business. CCNS or any member(s) (as applicable), or the Organizational Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

Confidentiality

12. The investigator will make reasonable efforts to preserve the anonymity of the Complainant and witnesses involved with the complaint; however, maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

13. The collection, use and disclosure of any personal information pursuant to this policy is subject to CCNS's Privacy Policy, if such a policy exists.

14. CCNS, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Independent Discipline Chair, Independent Discipline Panel), shall comply with CCNS's Privacy Policy, if applicable (or, in the case if a member, the member's Privacy Policy) in the performance of their services under this policy.

Appendix B - Publication Guidelines

1. CCNS will not publish any information regarding complaints, decisions or sanctions which are determined by a CM under Process #1 of the *Discipline and Complaints Policy.*

2. Limited information regarding disciplinary decisions of the IDC and the Independent Discipline Panel made under Processes #2 and 3 of the *Discipline and Complaints Policy* will be published by CCNS in accordance with this section. Unless otherwise directed by the IDC or the Independent Discipline Panel, CCNS will make the following information publicly available on its website or by any other means, such as social media channels, deemed appropriate by CCNS:

    a. The name of the Respondent;

    b. The specific policy which was found to be breached; and

    c. The sanction and its duration.

3. Publication of decisions will not take place until the disciplinary process undertaken by CCNS is complete, including the expiry of any period of appeal or the completion of the appeal process, as applicable.

4. Publication means the communication of information by making it known or accessible to the general public through any means, including print, telecommunication or electronic means.

5. A written copy of any disciplinary sanction may be provided to an organization as required by the *Reciprocation Policy*. Individuals who receive a copy of a disciplinary sanction may not publicly disclose this information, except as reasonably necessary to implement the terms of the decision and any sanction.

6. Decisions will be posted in accordance with the following:

    a) Where a sanction or discipline is imposed for a set period where an Organizational Participant is restricted in their involvement with the sanctioned activities of the CCNS, such as a suspension or a probationary period, the decision will be posted for the duration of the

sanction. It will be removed at once the identified time has passed plus two years.

b) Where a sanction or discipline involves a verbal or written warning or other reprimand, the decision will be posted for two years.

c) If there is a sanction or discipline that involves a period of ineligibility, the decision will be posted for the period of ineligibility plus two years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.

d) If a sanction or discipline is conditional on the completion of training, education or other conditions, the decision will be posted until the Organizational Participant has completed the required conditions to the satisfaction of CCNS, plus two years.

e) The publishing of interim suspensions and/or provisional measures will only take place in exceptional circumstances if it is necessary to protect the public or members of CCNS.

f) Publication bans are standard while a complaint is in progress with CCNS. All information, except for information already publicly available or released, is subject to a publication ban and must be kept confidential to protect the integrity of the process.

7. Prior to publishing the disciplinary decision, CCNS will remove any confidential or sensitive material from the disciplinary decision, including any identifying information about Organizational Participants or other individuals named, unless these Organizational Participants are subject to a sanction and/or discipline in the disciplinary decision.

8. Matters which are resolved prior to a decision of a panel being issued will not be subject to publication, though CCNS may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of CCNS.

9. CCNS will publish a summary of the disciplinary decision. This summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.

10. Identifying information regarding Minor or Vulnerable Organizational Participants will never be published by CCNS.

11. Disciplinary decisions involving sanctions imposed by other duly authorized disciplinary bodies will be published according to their own applicable guidelines.

12. Nothing in the above prohibits CCNS from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including a Minor or Vulnerable Organizational Participant, as required by the *Reciprocation Policy*. If a Minor or Vulnerable Organizational Participant is sanctioned and/or disciplined under a disciplinary decision, any organization that receives notification of this disciplinary decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.

13. Records of all decisions will be maintained by CCNS in accordance with any applicable Privacy Policy.

Alternative Dispute Resolution Policy

Purpose

1. CCNS supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.

2. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

3. CCNS encourage all Organizational Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. CCNS believe that negotiated settlements are most often preferable to arbitrated outcomes.

4. Negotiated resolutions to disputes with and among Organizational Participants are strongly encouraged.

Application of this Policy

5. This policy applies to all Organizational Participants.

6. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

7. If all parties to a dispute agree to ADR, a mediator shall be appointed to mediate or facilitate the dispute.

8. The mediator shall decide the format under which the dispute shall be mediated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.

9. Should a negotiated settlement be reached, the settlement shall be reported to CCNS for approval if it involves any action by the CCNS before execution. Any actions that are to take place as a result of the settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.

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

Final and Binding

11. Any negotiated settlement will be binding on the parties.

12. Any negotiated settlement must include a written summary of the agreement between the parties, consequences for a breach of the agreement, and details with respect to confidentiality.

13. Negotiated settlements may not be appealed.

Appeal Policy

Purpose

1. This *Appeal Policy* provides Organizational Participants with a fair and expedient appeal process.

Scope and Application of this Policy

2. This policy applies to all Organizational Participants.

3. Any Organizational Participant who is directly affected by a decision made by the IDC or an Independent Discipline Panel, as the case may be, shall have the right to appeal that decision if there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this policy.

4. This policy **will apply** to decisions relating to:

    a) eligibility;

    b) selection;

    c) conflict of interest;

    d) discipline; and

    e) membership.

5. This policy **will not apply** to decisions relating to:

    a) employment;

    b) infractions for doping offences;

    c) the rules of the sport;

    d) selection criteria, quotas, policies, and procedures established by entities other than CCNS;

    e) substance, content and establishment of team selection or carding criteria;

f) volunteer/coach appointments and the withdrawal or termination of those appointments;

g) budgeting and budget implementation;

h) the Organization's operational structure and committee appointments;

i) decisions or discipline arising within the business, activities, or Events organized by entities other than CCNS(appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by CCNS at its sole discretion);

j) Decisions made by duly authorized external disciplinary bodies;

k) commercial matters for which another appeals process exists under a contract or applicable law; or

l) decisions made under this policy.

Timing of Appeal

6. Organizational Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following, in writing, to the CCNS or their identified designate:

a) notice of the intention to appeal;

b) their contact information;

c) name and contact information of the Respondent and any Affected Parties, when known to the Appellant;

d) date the Appellant was advised of the decision being appealed;

e) a copy of the decision being appealed, or description of decision if written document is not available;

f) grounds for the appeal;

g) detailed reasons for the appeal;

h) all evidence that supports these grounds;

i) requested remedy or remedies; and

j) an administration fee of two hundred dollars ($200), which will be refunded if the appeal is upheld.

7. An Organizational Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Submitting an Appeal

8. CCNS may hear appeals of members' decisions heard pursuant to this policy, at its discretion.

Grounds for Appeal

9. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the decision-maker:

a) made a decision that it did not have the authority or jurisdiction (as set out in the applicable governing documents) to make;

b) failed to follow its own procedures (as set out in the applicable governing documents);

c) made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or

d) made a decision that was unreasonable.

Screening of Appeal

10. The parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*, if appropriate in the circumstances.

11. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.

12. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, CCNS will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:

    a) to determine if the appeal falls under the scope of this policy;

    b) to determine if the appeal was submitted in a timely manner; and

    c) to decide whether there are sufficient grounds for the appeal.

13. If the Appeal Manager denies the appeal because of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.

14. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal.

15. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

Determination of Affected Parties

16. To confirm the identification of any Affected Parties, the Appeal Manager will engage CCNS. The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

17. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.

18. If a Party chooses not to participate in the hearing, the Appeal Manager will make multiple efforts to contact them and give them a stern warning that failure to respond may result in a sanction being made against them without their participation. If this occurs and a Party continues to not participate, the hearing will proceed without further notice or opportunity to participate or provide submissions for the Party refusing to participate.

19. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Appeal Panel deem appropriate in the circumstances. The following guidelines will apply to the hearing:

    a) The hearing will be held within a timeline determined by the Appeal Manager

    b) The Parties will be given reasonable notice of the day, time, and place of an oral, in-person hearing or oral hearing by telephone or electronic communications.

    c) Copies of any written documents which any of the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing.

    d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense, provided, however, that the process intends that complainants and respondents provide their own evidence and information and this evidence and information, unless necessary, is not to be provided by a third-party.

e) The Appeal Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.

f) The Appeal Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate.

g) If a decision in the appeal may affect another Party to the extent that the other Party would have recourse to an appeal in their own right under this policy, that Party will become an Affected Party to the appeal in question and will be bound by its outcome.

h) The decision to uphold or reject the appeal will be by a majority vote of Appeal Panel members.

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

Appeal Decision

21. The Appellant must demonstrate, on a balance of probabilities, that the decision-maker has made a procedural error as described in the Grounds for Appeal section of this policy and that this error had a material effect on the decision or decision-maker.

22. The Appeal Panel shall issue its decision, in writing and with reasons, within thirty (30) days after the hearing's conclusion. In making its decision, the Appeal Panel will have no greater authority than that of the original decision-maker. The Appeal Panel may decide to:

a) reject the appeal and confirm the decision being appealed;

b) uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or

c) uphold the appeal and vary the decision.

23. The Appeal Panel will also determine whether costs of the appeal will be assessed against any Party. In assessing costs, the Appeal Panel will consider

the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.

24. The Appeal Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and CCNS. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record and published according to the Publication Guidelines unless decided otherwise by the Appeal Panel.

Timelines

25. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Appeal Panel may direct that these timelines be revised.

Confidentiality

26. The appeals process is confidential and involves only the parties, the CCNS, the Appeal Manager, the Appeal Panel, and any independent advisors to the Appeal Panel. Once initiated and until a decision is released, none of the Parties (or their representatives or witnesses) will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless CCNS is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law

27. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 26 will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless CCNS is required to notify an organization such as an international federation, NSO, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

28. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Appeal Panel.

Final and Binding

29. No action or legal proceeding will be commenced against CCNS or Organizational Participants in respect of a dispute, unless CCNS has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

Social Media Policy

Preamble

1. CCNS is aware that Organizational Participant interaction and communication occurs frequently on social media. CCNS cautions Organizational Participants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

Application of this Policy

2. This policy applies to all Organizational Participants. In this Policy, "Social Media" means all computer-mediated communication media which include but are not limited to blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.

3. The definitions provided in the *Code of Conduct and Ethics* shall apply in this Policy.

Conduct and Behaviour

4. All conduct and behaviour occurring on Social Media must comply with the *Code of Conduct and Ethics.*

5. Organizational Participants may not engage in the following behaviour on Social Media:

    a) posting a disrespectful, hateful, harmful, disparaging, or insulting comment on a social medium;

b) posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, embarrassing, suggestive, provocative, or otherwise offensive;

c) creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about CCNS or its stakeholders or reputation; or

d) any instance of cyber-bullying or cyber-harassment where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.

Organizational Participants' Responsibilities

6. Organizational Participants should be aware that their Social Media activity may be viewed by anyone, including CCNS.

7. If CCNS unofficially engages with an Organizational Participant in Social Media (such as by retweeting a tweet or sharing a photo on Facebook), the Organizational Participant may, at any time, ask CCNS to cease this engagement.

8. When using social media, an Organizational Participant must model appropriate behaviour befitting the Organizational Participant's role and status in connection with CCNS.

9. Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Organizational Participant from being subject to the *Discipline and Complaints Policy.*

10. An individual who believes that an Organizational Participant's Social Media activity is inappropriate or may violate policies and procedures should report the matter to CCNS in the manner outlined by the *Discipline and Complaints Policy*.

CCNS's Responsibilities

11. CCNS has a responsibility to understand if and how Persons in Authority and Athletes are using Social Media to communicate with each other. Persons in Authority and Athletes may need to be reminded that behaviour in Social Media is still subject to the *Code of Conduct and Ethics* and *Social Media Policy*.

12. Complaints and concerns about the behaviour of a Person in Authority or Athlete in Social Media can be addressed under the *Discipline and Complaints Policy*.

Guidelines

13. The Guidelines in this section provide Persons in Authority and Athletes with tips and suggestions for Social Media use. Persons in Authority and Athletes are strongly encouraged to develop their own strategy for Social Media use (either written down or not) and ensure that their strategy for Social Media use is acceptable pursuant to the Code.

14. Given the nature of Social Media as a continually developing communication sphere, Persons in Authority and Athletes must use their best judgment when interacting with Social Media. These Guidelines are not hard and fast rules or behavioural laws; but rather recommendations that will inform individuals' best judgment.

15. Any behaviour on Social Media which violates the *Code* may be subject to discipline.

Social Media Guidelines for Persons in Authority

16. Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:

    a) with Minor Athletes, ensure that parents/guardians are aware if some interactions may take place on Social Media and the context for those interactions, and give parents/guardians the option to prohibit or restrict communication in this space;

    b) attempt to make communication with Athletes in Social Media as one-sided as possible. Be available for Athletes if they initiate contact – Athletes may wish to have this easy and quick access to you – but

Persons in Authority should never impose themselves onto an Athlete's personal Social Media space;

c) ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways;

d) choosing not to engage with Social Media is an acceptable strategy. Be prepared to inform Athletes (and/or parents/guardians) if you will not engage in this space and explain which media you will use to communicate with them;

e) Athletes will search for your Social Media accounts. Be prepared for how you will respond when an Athlete attempts to interact with you on Social Media;

f) annually review and update the privacy settings on all your Social Media accounts;

g) consider monitoring or being generally aware of Athletes' public Social Media behaviour to ensure compliance with the *Code of Conduct and Ethics* and this policy;

h) never demand access to an Athlete's private posts on Twitter, Instagram, or Facebook;

i) do not send friend requests to Athletes. Never pressure Athletes to send you a friend request or follow your Social Media accounts;

j) if you accept a friend request from one Athlete, you should accept these requests from all Athletes. Be careful not to show favouritism on Social Media;

k) consider managing your Social Media so that Athletes do not have the option to follow you on Twitter or send you a friend request on Facebook;

l) do not identify Minor Athletes on publicly available Social Media;

m) seek permission from adult Athletes before identifying them on publicly available Social Media;

n) avoid adding Athletes to Snapchat and do not send snapchats to Athletes;

o) do not post pictures or videos of Minor Athletes on your private Social Media accounts;

p) be aware that you may acquire information about an Athlete that imposes an obligation of disclosure on your part (such as seeing pictures of Minor Athletes drinking during a trip);

q) if selection decisions and other official team business are announced on Social Media, ensure they are also posted on a less-social medium like a website or distributed via email;

r) never require Athletes to join Facebook, join a Facebook group, subscribe to a Twitter feed, or join a Facebook page about your team or organization;

s) if you create a page on Facebook or Instagram for your team or Athlete, do not make this Social Media site the exclusive location for important information. Duplicate important information in less-social channels (like on a website or via email);

t) exercise appropriate discretion when using Social Media for your own personal communications (with friends, colleagues, and other Persons in Authority) with the knowledge that your behaviour may be used as a model by Athletes;

u) avoid association with Facebook groups, Instagram accounts, or Twitter feeds with explicit sexual conduct or viewpoints that might offend or compromise your relationship with an Athlete; and

v) never misrepresent yourself by using a fake name or fake profile.

Social Media Guidelines for Athletes

17. The following tips should be used by Athletes to inform their own strategy for Social Media use:

    a) Set your privacy settings to restrict who can search for you and what private information other people can see.

b) Coaches, teammates, officials, or opposing competitors may all add you to Facebook or follow you on Instagram or Twitter. You are not required to follow anyone or be Facebook friends with anyone.

c) Avoid adding Persons in Authority to Snapchat and do not send snapchats to Persons in Authority.

d) If you feel harassed by someone in a social medium, report it to your coach or another Person in Authority with your organization.

e) You do not have to join a fan page on Facebook or follow a Twitter feed or Instagram account.

f) Content posted on a social medium, relative to your privacy settings, is considered public. In most cases, you do not have a reasonable expectation of privacy for any material that you post.

g) Content posted to a social medium is almost always permanent – consider that other individuals may take screencaps of your content (even Snapchat) before you can delete them.

h) Avoid posting pictures of, or alluding to, participation in illegal activity such as: speeding, physical assault, harassment, drinking alcohol (if underage), and smoking cannabis (if underage).

i) Model appropriate behaviour in Social Media befitting your status as a) an Athlete, and b) a member of your organization and its governing organizations. As a representative of your organization, you have agreed to the *Code of Conduct and Ethics* and must follow that *Code* when you post material and interact with other people through Social Media.

j) Be aware that your public Facebook page, Instagram account, or Twitter feed may be monitored by your organization, coach, or by another organization and content or behaviour demonstrated in Social Media may be subject to sanction under the *Discipline and Complaints Policy*.

Reciprocation Policy

Purpose

1. The purpose of this policy is to ensure enforcement and recognition of all disciplinary sanctions applied by CCNS and members.

Application

2. This policy applies to all Members.

Responsibilities

3. CCNS will:

    a) Subject to the applicable rules regarding publication and confidentiality, provide copies of discipline and appeal decisions to member clubs and to the Member(s) affected or impacted by the decision;

    b) recognize and enforce the disciplinary sanctions imposed by member clubs and/or a member.

4. Members will:

    a) provide copies of discipline and appeal decisions involving Organizational Participants CCNS ;

    b) recognize and enforce the disciplinary sanctions imposed by CCNS and/or the member clubs; and

    c) update their governing documents to reference the reciprocation procedures described herein.