



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 Surfing Association of Nova Scotia ("SANS"), as updated and amended from time to time.
2. Non-compliance with any of SANS'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 SANS or, as applicable, those of its members.
3. This Policy provides the process by which the ***Complainant*** may make a report of an incident, or a suspected incident, of SANS'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.

DEFINITIONS

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

APPLICATION

Application – General

4. This policy applies to all **Organizational Participants** with respect to any alleged breaches of SANS'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 Internal 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 Minor.

COMPLAINT PROCESS

10. SANS will appoint a director, head coach, staff member, or other individual affiliated with SANS to act as the **Case Manager (the "CM")**.
11. The CM must agree to 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 SANS shall appoint an alternate CM.
12. Upon receipt of a complaint, the CM will:
 - a) determine whether to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or events of SANS, 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.
 - b) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith.

- c) determine whether the complaint has been made in a timely manner
- d) make any necessary contact with relevant parties to the complaint, representatives of SANS 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.
- e) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- f) choose which process (Process #1, Process #2, or Process # 3, as outlined below) should be followed to hear and adjudicate the matter.

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 SANS or those of one of its members or affiliated organizations
 - iv. Non-compliance with the policies, procedures, rules, or regulations of SANS or those of one of its members or affiliated organizations.
 - v. Minor violations of the policies or bylaws of SANS 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 SANS or those of one of its members or affiliated organizations
- iv. Non-compliance with the policies, procedures, rules, or regulations of SANS or those of one of its members or affiliated organizations.
- v. Minor violations of the policies or bylaws of SANS 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 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. The complaint contains allegations involving any of the following behaviours:
 - a) repeated incidents described in Processes #1 or #2.
 - b) hazing.
 - c) abusive, racist, or sexist comments, conduct or behaviour.
 - d) incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the “Code”) or the UCCMS.
 - e) major incidents of violence (e.g., fighting, attacking).
 - f) pranks, jokes, or other activities that endanger the safety of others.
 - g) conduct that intentionally interferes with a competition or with any Athlete’s preparation for a competition.
 - h) conduct that intentionally damages the image, credibility, or reputation of SANS or that of one of its members or affiliated organizations.
 - i) consistent disregard for the by-laws, policies, rules, or regulations of SANS or those of one of its members or affiliated organizations.
 - j) major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches.
 - k) intentionally damaging the property of SANS, one of its members or affiliated organizations, or improperly handling any of the aforementioned Organizations’ monies.
 - l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or
 - m) a conviction for any *Criminal Code* offense.
18. The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #3.

PROVISIONAL MEASURES

19. If it is considered appropriate or necessary on the basis of the circumstances, the Board of Directors of SANS 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 SANS 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**).
20. 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.
21. 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.
22. 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, SANS 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.
23. Any decision not to lift a Provisional Suspension or Interim Measure shall not be subject to appeal.

POLICE INVOLVEMENT

24. 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.

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 SANS 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 SANS. Decisions made under Process #1 shall remain confidential and not be published or otherwise disclosed by SANS.

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 SANS 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 SANS 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 SANS'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 SANS'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 SANS. The publication of any decision will be made in accordance with the SANS 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 is free from conflicts of interest and from any direct relationship with the parties, including SANS in the event SANS is a complainant or respondent.
 - b) consult, as deemed necessary, with non-interested members of SANS 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 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 SANS 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 SANS, 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 SANS.
- 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 SANS 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 SANS and all of its members and associated organizations.
12. SANS 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. 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. 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 SANS.

16. When the Independent Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) summary of the facts and relevant evidence.
 - b) where applicable, the specific provision(s) of SANS's policies, bylaws, rules or regulations that have been breached;
 - c) which Party or organization is responsible for the costs of implementing any sanction;
 - d) which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - e) the reinstatement conditions that the Respondent must satisfy (if any);
 - f) which organization is responsible for ensuring that the conditions have been satisfied; and
 - g) 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 offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of SANS.
 - 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 Internal 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 SANS. 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 SANS
 - 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 SANS. 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. SANS 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 once SANS receives appropriate notice of any sanction or measure.

CONFIDENTIALITY

25. The disciplinary and complaint management process is confidential and involves only SANS, the member (where applicable) the Parties, the Case Manager, an ADR professional, the Internal Discipline Chair, the Independent Discipline Panel (as appropriate), and any independent advisors to the Independent Discipline Panel.
26. 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 SANS 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. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or Independent Discipline Panel (as applicable).

TIMELINES

28. 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.

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 SANS 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 this *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 SANS 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 SANS 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 Internal 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 SANS 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 this *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 this 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 SANS 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 SANS Events, activities or business. SANS 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.

Appendix B - Publication Guidelines

1. SANS 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 this *Discipline and Complaints Policy* will be published by SANS in accordance with this section. Unless otherwise directed by the IDC or the Independent Discipline Panel, SANS will make the following information publicly available on their website or by any other means, such as social media channels, deemed appropriate by SANS:
 - 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 SANS 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. 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 made 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 SANS, 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 a sanction or discipline 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 SANS, 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 SANS.
 - f) Publication bans are standard while a complaint is in progress with SANS. 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, SANS 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 SANS may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of SANS.
 - 9. SANS 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 SANS.

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 SANS from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including Minor or Vulnerable Organizational Participant. If a Minor or Vulnerable Organizational Participant is sanctioned and/or disciplined under a disciplinary decision, any organization who 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 SANS.