



Complaints & Discipline Policy

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1. GOAL

- 1.1. Except for complaints that will be managed by the OSIC, as described below, the goal of this Policy is to provide a process for any Individual to make a formal complaint related to alleged breaches of Cycling Canada's policies, By-laws, rules or regulations.
- 1.2. The goal of this Policy is also to outline the process for non-compliance with Cycling Canada policies, By-laws, rules and regulations, agreements and the Code of Conduct and Ethics.

2. PRINCIPLES

- 2.1. Individuals engaged in Cycling Canada business, activities, and Events are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Cycling Canada's policies, By-laws, rules and regulations, as updated and amended from time to time.
- 2.2. Non-compliance with any of Cycling Canada'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.
- 2.3. Every complaint submitted under this Policy will be reviewed and proceed accordingly as described herein.

3. FIELD OF APPLICATION

- 3.1. This Policy applies to Individuals' conduct that occurs during Cycling Canada's business, activities, and Events, and any alleged breaches of Cycling Canada's policies, by-laws, rules or regulations, or any of those of its Members, that designate this Policy as applicable to address such alleged breaches.
- 3.2. This Policy also applies to Individuals' conduct outside of Cycling Canada's business, activities, and Events when such conduct adversely affects relationships within Cycling Canada (and its work environment), is detrimental to the image and reputation of Cycling Canada. Applicability will be determined by the Independent Case Manager.
- 3.3. Respondents may be subject to additional measures outside the procedure described in this Policy. For example, staff of Cycling Canada may also be subject to appropriate disciplinary action in accordance with Cycling Canada's Human Resources Policy, as well as the person's employment agreement, if applicable.

4. DEFINITIONS

- 4.1. **Affected Party:** Any Individual or entity, as determined by the Independent Case Manager, who may be affected by a decision rendered under this Policy and who may have recourse to an appeal in their own right under this Policy.

- 4.2. **Athlete** – An individual who is an Athlete Participant in Cycling Canada who is subject to the policies of Cycling Canada.
- 4.3. **Complainant:** Individual who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in Cycling Canada’s policies, by-laws, rules or regulations, or the UCCMS.
- 4.4. **Days:** Calendar days, including weekends and holidays.
- 4.5. **Director of Sanctions and Outcomes:** Responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential break of the UCCMS (or other conduct rules, as applicable).
- 4.6. **Discipline Chair:** an individual appointed to handle the duties of the Discipline Chair as described in this Complaints and *Discipline Policy*
- 4.7. **Event:** An event sanctioned by Cycling Canada or a Member, and which may include a social Event
- 4.8. **Independent Case Manager:** An external organization or individual appointed by Cycling Canada to receive reports and complaints, and to fulfill the responsibilities outlined in this Policy. The Independent Case Manager shall not be a Member of, or affiliated with, Cycling Canada or affiliated with a Member, and not be in real or perceived conflict of interest or have a direct relationship with any of the Parties.
- 4.9. **Individual:** Refers to Participants as defined in the By-laws of Cycling Canada and, to the extent not already included in the definition of Participant, all people employed by, contracted by, or engaged in activities with Cycling Canada including, but not limited to, employees, contractors, Athletes, Athlete Support Personnel, coaches, instructors, officials, judges, managers, administrators, parents or guardians, spectators, or directors and officers.
- 4.10. **Maltreatment:** As defined by the *UCCMS*.
- 4.11. **Minor:** As defined by the *UCCMS*.
- 4.12. **Member:** The Members of Cycling Canada are the provincial and territorial associations recognized by the Board which have met the prescribed financial and administrative obligations, as indicated in the Cycling Canada by-laws.
- 4.13. **OSIC:** Office of the Sport Integrity Commissioner, and independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- 4.14. **Parties:** the individual(s) involved in a dispute.
- 4.15. **Panel:** A group that shall be appointed at the discretion of the Independent Case Manager and consist of a single arbitrator or a committee of three independent people, as determined by the Independent Case Manager, who are free from a conflict of interest.
- 4.16. **Participant** – as defined in Cycling Canada’s By-laws
- 4.17. **Person in Authority:** Any Individual who holds a position of authority within Cycling Canada including, but not limited to, coaches, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, or directors or officers.

- 4.18. **Power Imbalance:** As defined by the *UCCMS*.
- 4.19. **Provisional Suspension:** means that the Individual is barred temporarily from participating in any capacity in any Event or activity of Cycling Canada and its Members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.
- 4.20. **Respondent:** The Respondent is the person or organization that is required to respond to the complaint / report made by the Complainant.
- 4.21. **SDRCC:** *Sport Dispute Resolution Centre of Canada*, an independent, alternative dispute resolution centre for all participants in the Canadian sport system at the national level.
- 4.22. **UCCMS:** *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the SDRCC
- 4.23. **UCCMS Participant:** An Individual affiliated with Cycling Canada who has been designated by Cycling Canada as a UCCMS Participant and who has signed the required consent form. For Cycling Canada, UCCMS Participants include Cycling Canada board members, employees, operational committee members, Cycling Canada full-time coaches, performance services staff, contractors supporting high performance programming, national level officials, classifiers, carded athletes and all athletes participating at a national team project.
- 4.24. **Vulnerable Participant:** as defined by the *UCCMS*.

5. POLICY STATEMENT

- 5.1. Any individual who wishes to file a formal complaint related to conduct perceived to be in direct contradiction with Cycling Canada By-laws, policies, Code of Conduct and Ethics, or other applicable agreements may file a complaint under this Policy.

6. REPORTING

6.1. UCCMS Participants

- 6.1.1 Incidents that involved alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the *UCCMS*) that occurred or continued as of December 21, 2022 involving a UCCMS Participants must be reported to the OSIC and will be addressed pursuant to the OSIC's policies and procedures.
- 6.1.2 Incidents that involved alleged Maltreatment or Prohibited Behaviour that occurred before December 21, 2022 may be reported to the OSIC; however, OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by Cycling Canada as a UCCMS Participant.
- 6.1.3 If the Independent Case Manager receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

6.2 Individuals

- 6.2.1 Any complaints involving alleged breaches of Cycling Canada’s policies that do not fall within Section 6.1 above may be reported by an Individual to the Independent Case Manager in writing within 30 days of the occurrence of the incident.¹ For the avoidance of doubt, this includes complaints referred back to the Independent Case Manager by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction.
- 6.2.2 Notwithstanding any provision in this Policy, Cycling Canada may, at its discretion, or upon request by the Independent Case Manager, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Cycling Canada will identify an individual to represent the organization.
- 6.2.3 A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Case Manager and request that their identity be kept confidential. If the Independent Case Manager considers that the Complainant’s identity must remain confidential, the Independent Case Manager may ask that Cycling Canada take carriage of the complaint and act as the Complainant.²
- 6.2.4 In exceptional circumstances, the Independent Case Manager may direct a complaint to be managed by Cycling Canada if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member does not have policies in place to address the complaint. In such circumstances, Cycling Canada shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to Cycling Canada managing the complaint.
- 6.2.5 Where the Independent Case Manager refers a matter to be managed by a Member, or where a Member is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member fails to conduct disciplinary proceedings within a reasonable timeline, Cycling Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Discipline Chair or External Discipline Panel decides that Cycling Canada acted reasonably in taking jurisdiction over the matter, Cycling Canada’s costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member to Cycling Canada.

7 MINORS

- 7.1 Complaints may be brought by or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
- 7.2 Communication from the Independent Case Manager, Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor’s representative.
- 7.3 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.

¹ This timeline may be waived at the Independent Case Manager’s sole discretion if they consider that there were circumstances that prevented the Individual from Reporting their complaint within 30 days of the occurrence of the incident. Any such decision by the Independent Case Manager is not subject to appeal.

² In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

7.4 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.

8 INDEPENDENT CASE MANAGER RESPONSIBILITIES

8.1 Upon receipt of a complaint, the Independent Case Manager has a responsibility to:

- a) Determine whether the complaint falls within the jurisdiction of this Policy [and whether it has been submitted in accordance with the deadlines indicated herein];
- b) Determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of Cycling Canada, or one of its Members; and
 - ii. if the Member is able to manage the complaint process³.
- c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁴;
- d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

8.2 There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 6-7, the Independent Case Manager decides which process will be followed at their discretion, and such decision is not appealable.

Process #1 - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments

³ In making this assessment, the Independent Case Manager may determine that the Member lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member 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.

If the Independent Case Manager determines that the Complaint or Report should be handled by a Member, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Case Manager to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, any reference to Independent Case Manager below shall be understood as a reference to the Independent Case Manager of the Member.

⁴ As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Case Manager must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2
- c) Conduct contrary to the values of Cycling Canada or those of one of its Members
- d) Non-compliance with the policies, procedures, rules, or regulations of Cycling Canada or those of one of its Members
- e) Minor violations of the policies or By-laws of Cycling Canada or those of one of its Members.

*** The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Process #2 - the complaint contains allegations involving the following behaviours:

- a) Repeated incidents described in Process #1
- 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) Consistent disregard for the by-laws, policies, rules, or regulations of Cycling Canada or those of one of its Members or affiliated organizations
- i) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Complaints and Discipline Policy* as applicable to address such alleged breaches
- j) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- k) Intentionally damaging the property of Cycling Canada, one of its Members or affiliated organizations, or improperly handling any of the aforementioned organizations' monies
- l) A conviction for any *Criminal Code* offense

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

9 PROVISIONAL SUSPENSIONS

- 9.1 If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Individual by the Independent Case Manager after which further discipline or sanctions may be applied according to this Policy.
- 9.2 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 Independent Case Manager.⁵

⁵ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an

- 9.3 Notwithstanding the above, Cycling Canada and/or Independent Case Manager may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
- 9.4 Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Case Manager or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, Cycling Canada 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.
- 9.5 Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

Process #1 –Discipline Chair

- 9.6 Following the determination that the complaint or incident should be handled under Process #1, the Independent Case Manager will appoint a Discipline Chair⁶ who may:
 - a) Propose alternative dispute resolution techniques, if appropriate; and/or
 - 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 Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or
 - c) Following receipt of the Parties' submissions, the Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
- 9.7 Following their review of the submissions and evidence related to the complaint, the Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, the Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
- 9.8 The Independent Case Manager will inform the Parties of the Discipline Chair's decision, which shall be in writing and include reasons. The Discipline Chair's decision will take effect immediately, unless specified otherwise by the Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.

Individual from facing additional disciplinary proceedings under the *Code*.

⁶ The appointed Discipline Chair must be unbiased and not in a conflict of interest.

- 9.9 Any decision rendered by the Discipline Chair shall be provided to and maintained in the records of the relevant club, Member and Cycling Canada. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Process #2: Handled by Independent Case Manager and Panel

- 9.10 Following the determination that the complaint or incident should be handled under Process #2, the Independent Case Manager will oversee management and administration of the complaint or incident.
- 9.11 The Independent Case Manager has a responsibility to:
- a) Work with the investigator, if appointed, to receive the investigator's report
 - b) Appoint the Panel, if necessary
 - c) Coordinate all administrative aspects and set timelines
 - d) Provide administrative assistance and logistical support to the Panel as required
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding that complies with the applicable principles of natural justice and fair proceeding.
- 9.12 The Independent Case Manager will establish and adhere to timelines that ensure the matter is heard in a timely fashion.
- 9.13 After notifying the parties that the complaint has been accepted, the Independent Case Manager may propose using alternate dispute resolution with the objective of resolving the dispute. If all parties to a dispute agree to alternative dispute resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
- 9.14 If the dispute is not resolved via alternative dispute resolution, the Independent Case Manager will appoint a Panel to hear the complaint. In extraordinary circumstances, and at the discretion of the Independent Case Manager, a Panel may be extended to a committee of three independent people appointed to hear the complaint. In this event, the Independent Case Manager will appoint one of the Panel's members to serve as the Chair.
- 9.15 The Panel will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Panel deems appropriate in the circumstances, provided that the following minimal procedures shall be features of any hearing:
- a) The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all parties, through the Independent Case Manager, in advance of the hearing

- c) The parties may engage a representative, advisor, or legal counsel at their own expense
 - d) The Panel may request that any other individual participate and give evidence at the hearing
 - e) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
 - f) The decision will be by a majority vote of the Panel
- 9.16 If the Respondent acknowledges the facts of the incident, the Respondent may waive the merit portion of the hearing, in which case the Panel will determine the appropriate sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- 9.17 Subject to adherence to the principles of natural justice and procedural fairness, a hearing may proceed even if a party chooses not to participate in the hearing.
- 9.18 If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal, that party will become the Affected Party to the current complaint and will be bound by the decision.
- 9.19 In fulfilling its duties, the Panel may obtain independent legal and/or expert advice.

10 DECISION

- 10.1 After hearing and/or reviewing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the Panel considers that an infraction has not occurred, the complaint will be dismissed.
- 10.2 Within fourteen (14) days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties by the Independent Case Manager, including Cycling Canada and the relevant Member(s).
- 10.3 In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.
- 10.4 The Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Panel. The Panel's decision will apply automatically to Cycling Canada and all of its Members.
- 10.5 Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Cycling Canada 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 Individual involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published by Cycling Canada or one of its Members.
- 10.6 If the Panel dismisses the complaint, the information referred to in Section 10.5 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 10.5 above will be kept confidential by the Parties, the Independent Case Manager, Cycling Canada and the Member (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 pursuant to this *Policy*.

- 10.7 Where necessary in order to implement a decision, other individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of the outcome of any decisions rendered in accordance with this Policy.
- 10.8 Records of all decisions will be maintained by Cycling Canada in accordance with applicable privacy legislation.
- 10.9 When the 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 Cycling Canada's policies, By-laws, 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) Any 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 Panel's decision.
- 10.10 If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Panel regarding the order so that it can be implemented or monitored appropriately.

11 SANCTIONS

- 11.1 When determining the appropriate sanction, the Independent Case Manager or Panel, as applicable, will consider the following factors (where applicable):
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
 - b) The Respondent's prior history and any pattern of 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 Cycling Canada;
 - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code*; 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.
- 11.2 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.
- 11.3 The Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or written reprimand** – A verbal reprimand or an official, written notice that an Individual has violated the *Code* and that more severe sanctions will result should the Individual be involved in other violations
 - b) **Verbal or written apology**
 - c) **Education** – The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS
 - d) **Service or other contribution to Cycling Canada**
 - e) **Eligibility Restrictions** – Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
 - f) **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
 - g) **Suspension** – 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 auspices of Cycling Canada. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
 - h) **Payment of the cost of repairs for property damage**
 - i) **Suspension of funding from Cycling Canada or from other sources** - Suspension of funding, either for a set period of time or until further notice, from Cycling Canada or from other sources. An Individual may be eligible for reinstatement of funding, contingent upon satisfying specific conditions noted at the time of suspension
 - j) **Permanent Ineligibility** – Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Cycling Canada
 - k) **Any other sanction considered appropriate for the offence** – Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary and appropriate
- 11.4 The Independent Case Manager or Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility

- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions
 - c) While a Respondent has pending charges 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.
- 11.5 An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with Cycling Canada. Such *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
 - b) Any sexual offences
 - c) Any offence of physical violence
 - d) Any offence of assault
 - e) Any offence involving trafficking of illegal drugs or substances
- 11.6 Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Panel will result in an automatic suspension until such time as compliance occurs.

12 OSIC SANCTION

- 12.1 As a Program Signatory to the OSIC, Cycling Canada will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within Cycling Canada's jurisdiction (including at the provincial, territorial and club level), once Cycling Canada receives appropriate notice of any sanction or measure from the OSIC.

13 APPEALS

- 13.1 Any decision rendered under this Policy (either through Process #1 or 2) may be appealed under the Cycling Canada Appeal Policy.

14 CONFIDENTIALITY

- 14.1 The discipline process and appeals process are confidential and involve only Cycling Canada, the parties, the Independent Case Manager, the Panel, and any independent advisors to the Panel.
- 14.2 None of the Parties (or their representatives or witnesses) or organizations referred to in Section 14.1. will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Cycling Canada is required to notify an organization such as an international federation, Sport Canada or other sport organizations (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.

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

15 TIMELINES

- 15.1 If the circumstances are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Panel may direct that these timelines be revised.

16 RECORDS AND DISTRIBUTION OF DECISION

- 16.1 Decisions issued regarding complaints under this Policy shall be made public and published on the website of Cycling Canada, unless the Independent Case Manager or the Panel, determines otherwise.

17 PRIVACY

- 17.1 The collection, use and disclosure of any personal information pursuant to this Policy is subject to Cycling Canada's Privacy Policy.
- 17.2 Cycling Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Case Manager, Discipline Chair, Case Manager, External Discipline Panel), shall comply with Cycling Canada's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

18 REVIEW AND APPROVAL

- 18.1 Original Policy development lead: Mark Gilligan, Kelly Murray, Mathieu Boucher, Bill Kinash, Shauna Finlay.
- 18.2 Current Policy development lead: Adam Klevinas, Kelly Murray, Mathieu Boucher, Geordie Moss.

Appendix A – Investigation Procedure

Determination

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

Investigation

2. If the Independent Case Manager considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third-party with experience in investigating. The investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a Workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interviews with the Complainant
 - b) Witness interviews
 - c) Statement of facts (Complainant's perspective) prepared by investigator, acknowledged by the Complainant and provided to the Respondent
 - d) Interviews with the Respondent
 - e) Statement of facts (Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

5. 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 External Discipline Panel pursuant to the *Complaints and Discipline Policy* because they constitute a likely breach of the Code of Conduct and Ethics, the UCCMS or any other relevant and applicable NSO or Member policy. 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 Independent Case Manager who will disclose it, at their discretion, all or part of the investigation to Cycling Canada and the relevant Members (if applicable). The Independent Case Manager may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any

necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Case Manager.

7. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, Cycling Canada and, where applicable, the Member, and the matter shall be referred by the Independent Case Manager to the police.
8. The Investigator must also inform Cycling Canada or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

Reprisal and Retaliation

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

False Allegations

10. An Individual 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 *Complaints and Discipline Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to Cycling Canada or the Member (as applicable) that the Individual be required to pay for the costs of any investigation that comes to this conclusion. Any Individual 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 Cycling Canada Events, activities or business. Cycling Canada or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

Confidentiality

11. The Investigator will make reasonable efforts to preserve the anonymity of Cycling Canada, Respondent, and any other Party. However, Cycling Canada and its Members recognizes that maintaining full anonymity during an investigation may not be feasible.

Privacy

19. The collection, use and disclosure of any personal information pursuant to this Policy is subject to applicable privacy legislation.
20. Cycling Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Case Manager, Discipline Chair, Panel), shall comply with applicable privacy legislation in the performance of their services under this Policy.