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## DEFINITIONS

The following terms have these meanings in this Policy:

- “CAS” refers to Canada Artistic Swimming;
- “CAS Activity” means all CAS business and activities over which CAS has jurisdiction;
- “CAS Participants” means all persons engaged in any paid or volunteer capacity with CAS or otherwise under the jurisdiction of CAS;
- “CEO” means the CAS Chief Executive Officer;
- “Coach” means any person who instructs figures or routines on a regular basis;
- “Complaint” means any report of a potential, suspected or actual breach of the Conduct Policy that is formalized in writing and is signed either by the complainant or by a Person in Leadership at CAS, if CAS is bringing forward the Complaint on its own or on the complainant’s behalf;
- “Confidential Information” means information known to the CAS Participant by virtue of his or her connection to CAS, whether or not marked “confidential”;
- “Family Member” includes a spouse, partner, natural or adoptive parent, grandparent, child or step-child, sibling, aunt, uncle, nephew or niece, the parents or close relatives of a spouse or partner, people who are in an intimate relationship and people who permanently reside together or are financially dependent on each other;
- “Including” means including but not limited to;
- “Interested CAS Participants” means CAS Participants including interested officials with a conflict of interest;
- “Member” means any Provincial or Territorial Section registered with CASSA;
- “Minor athletes” refers to athletes under 18 years of age;
- “Officials” means all judges including practice judges, referees and scorers;
- “Parents” refers to parents or guardians;
- “Person in Leadership” means the CEO, Chief Sport Officer or any CAS board member;
- “President” refers to the President of CAS;
- “Provincial or Territorial Section” means a provincial or territorial organization that is responsible for the management of artistic swimming within its provincial or territorial boundaries;
- “Registrant” means any club or individual that has fulfilled the requirements of registration as required by CAS and has paid any associated registration fees to CAS. A complete list of Registrant categories can be found in the CAS Bylaws and related CAS Registration Policy;
- “Related Party” includes a Family Member, Coach or Team Manager or a private corporation controlled by any of these individuals;

- “*Team Manager*” means a manager responsible for handling the business matters of the team or club, including managing the budget, organizing promotional events, hiring coaches and negotiating contracts, and all persons with a direct or indirect financial interest in the team or club; and
- “*Vulnerable person*” refers to persons who, because of age, disability, or other circumstances, whether temporary or permanent are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them including children, youth and people with physical, developmental, or other disabilities.

## **I. Application**

This Policy applies to all CAS Participants, which include all persons engaged in any paid or volunteer capacity with CAS or otherwise under the jurisdiction of CAS. CAS Participants include:

- All CAS Members or Registrants;
- CAS directors, officers, committee members and volunteers;
- CAS employees, anyone under contract with CAS, and anyone attending the CAS offices or other CAS workplaces for work-related purposes;
- All athletes eligible for selection to, or forming part of, any team participating in competitions or events over which CAS has jurisdiction; and
- All persons working with those teams or athletes, including coaches, medical and paramedical personnel and other support persons.

This Policy applies at all times, wherever the CAS Activity takes place, which includes the CAS offices as well as external locations in Canada and abroad and includes all activities over which CAS has jurisdiction. CAS Activity includes:

- Meetings of the CAS board of directors and all CAS committee, Athlete Council or coach meetings;
- CAS Annual Meetings, Special Meetings or CAS hosted conferences or clinics;
- Participation in national or international competitions including related training and organized group travel;
- All CAS hosted meets; and
- All CAS hosted selection and assessment processes and regular training or practice time, whether inside or outside Canada.

This Policy also applies to the conduct of CAS Participants outside of CAS Activity when such conduct adversely affects relationships within CAS and its work and sport environment or is

detrimental to the image and reputation of CAS. Such applicability will be determined by CAS at its sole discretion.

## **II. Policy and Purpose**

CAS Participants (as defined in Section I.) are expected to conduct themselves in all matters involving or impacting CAS, and where they may be seen to be representing CAS, with integrity and in a manner, that is consistent with CAS values and the highest standards of behaviour upon which CAS's image and reputation rests. To this end, CAS Participants will:

- Acquaint themselves with CAS's mission, vision, values and policies and behave accordingly;
- Adhere to all federal, provincial, municipal and host country laws;
- Not participate in, condone, or engage in dishonesty, fraud, deceit, misrepresentation or illegal activities;
- Not knowingly disseminate false or misleading information about CAS or an CAS Member or Participant;
- Act, when appropriate, to correct or prevent practices that are unjust, discriminatory or otherwise in contravention of this Policy;
- Cooperate with internal or external investigations of concerns of possible misconduct under this Policy by providing honest, accurate, complete and timely information;
- Act in a responsible manner in relation to the media and content of personal websites and information posted on social media sites including Facebook, Twitter, Instagram and YouTube;
- Provide a healthy and safe work and sport environment for the athlete and for themselves;
- Complete police records check and vulnerable sector screening as required by CAS;
- Support the Rule of Two and the principles of the Responsible Coaching Movement;
- Complete the Respect in Sport Training Program as required by CAS; and
- Comply with CAS's policies and rules.

The purpose of this Conduct Policy is to foster a positive, safe and respectful work and sport environment where:

- CAS values and expected standards of behaviour are understood, communicated and lived by all CAS Participants;
- There is adherence to all applicable laws, regardless of where the CAS Activity (as defined in Section I.) takes place; and
- The conduct of CAS Participants is ethical, transparent and fosters confidence in the integrity of CAS.

The purpose of this Policy is also:

- To define certain behaviour that is not permitted so that it is known to CAS Participants and avoided;
- To ensure the decisions and actions of CAS Participants are consistent with CAS's vision and values.

### **III. CAS Commitment to Non-retaliation**

CAS Participants are expected to raise any concerns about behaviour, to report any misconduct and to work together to ensure a positive, safe and respectful work and sport environment. There will be no retaliation for speaking up and making a truthful report of actual or possible misconduct, for participating in an investigation, or for exercising our legal rights.

It is a violation of this Policy if a CAS Participant knows of misconduct but takes no action to intervene on behalf of the athlete, employee, volunteer or other CAS Participant. Failure to report such misconduct may result in disciplinary action.

### **IV. Behaviour Expectations and Standards**

#### **A. Anti-Doping**

CAS has adopted the Canadian Anti-Doping Program. CAS strictly prohibits the use of restricted drugs or performance-enhancing drugs and methods. CAS is also opposed to the use of nutritional supplements and discourages their use by athletes. All CAS Participants have a responsibility to:

- Respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by CAS or any other sport organization; and
- Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport.

#### **B. Confidentiality**

CAS Participants may have access to Confidential Information (as defined in Section I.). Confidential Information includes:

- Personal information about CAS Participants as defined in the *CAS Privacy Policy*;
- Information that is not known or available to the CAS Participant on a non-confidential basis prior to its disclosure to the CAS Participant including financial information, strategic plans,

intellectual property, and information related to the programs, business or affairs of CAS or any CAS Participant; and

- Information that is not known or available to the general public other than as a result of disclosure by the CAS Participant.

Every CAS Participant has a duty to take reasonable steps to secure Confidential Information and to not disclose such Confidential Information, including once the CAS Participant ceases to work, provide services, or volunteer for CAS. A CAS Participant must not use information that is gained due to his or her relationship with CAS for personal profit, or in order to further any personal, private or public interest.

Any intentional or negligent disclosure of Confidential Information to persons who the CAS Participant knew, or ought to have known, should not have not received the Confidential Information, or misuse, may result in sanctions under this Policy.

## **C. Conflict of Interest**

All CAS Participants are obligated to act in the best interests of CAS and to avoid conflicts of interest. CAS Participants must avoid situations where their personal interests or the personal interests of their Related Parties (as defined in Section I.) could interfere or may conflict, directly or indirectly, with their obligations to CAS.

Even if a CAS Participant does not have an actual conflict of interest, if other people perceive one, they may still be concerned that the CAS Participant cannot act properly. For this reason, it is important to avoid the appearance of a conflict, as well as an actual one. Being seen or thought to be in a conflict of interest can damage the reputation of the CAS Participant, and the reputation of CAS.

Conflicts of interest may arise in situations involving:

- An interest, either real or perceived, that benefits the CAS Participant or a Related Party including where:
  - A pecuniary interest is derived;
  - Preferential treatment is given;
  - There is interference in the decision-making process; or
  - Personal advantage of any kind may be derived;
- Outside organizations with which the CAS Participant has an official governing responsibility, or which employ the CAS Participant or a Related Party;
- The CAS Participant having a financial interest in the outside organization; or



- Real or perceived potential to compromise the best interests of CAS.

## **1. Managing Conflicts of Interest**

This Policy does not identify or prohibit conflicts of interest but provides a basis to manage such situations as they arise. Conflicts of interest are commonplace and cannot always be avoided. Those people who dedicate a lot of time to our sport and, as a result, wear several hats are generally most at risk for finding themselves in a conflict of interest.

If a CAS Participant finds him or herself in a conflict of interest or a situation where he or she believes that others may perceive them to be in a position of conflict, the CAS Participant must declare the conflict immediately so that action can be taken to resolve the situation. This is the best way for interested CAS Participants to protect themselves and their reputation for honesty, fairness and objectivity.

### **a. Declaring a Conflict of Interest**

CAS Participants must take one of these steps to declare a conflict of interest:

- Verbally report the conflict of interest to the CEO or President or to the directors or committee members at a board of directors or committee meeting;
- Disclose the conflict of interest in writing by sending a letter to the CEO or President; or
- In the case of officials, disclose the conflict of interest in writing by sending a letter to the Chair of the National Officials Committee.

### **b. Managing Conflicts in Decision-making**

Decisions or transactions that involve a real or perceived conflict of interest that have been disclosed by the CAS Participant may be considered and decided upon provided that:

- The nature and extent of the conflict of interest has been disclosed fully to the body that is considering or making the decision, and this disclosure and how it was managed is recorded in the minutes;
- The interested CAS Participant is not included in the determination of quorum for the proposed decision or transaction; and
- The interested CAS Participant abstains from voting on the proposed decision or transaction.

Minor conflicts of interest can be managed simply by disclosing them. If the CEO or the President or the other directors or committee members at a board of directors or committee meeting agree unanimously that the conflict is minor, the interested CAS Participant can continue to participate in the decision;

More serious conflicts will require the interested CAS Participant to temporarily recuse him or herself from meetings and to not participate in any formal discussion on the matter giving rise

to the conflict of interest. The interested CAS Participant must not attempt to learn about, provide information or otherwise influence the discussion or voting on a decision or transaction, either formally at a board or committee meeting or informally through private contact, communication or discussion, except as provided below:

- On the unanimous request of the body that is considering or making the decision, the interested CAS Participant may present information or respond to questions relating to the decision or transaction.

To avoid the appearance that CAS is giving interested CAS Participants an advantage, the body that is considering or making the decision must:

- Ensure that alternate bids or estimates have been obtained; and
- Determine by a majority vote that the transaction is fair and reasonable and in CAS's best interest.

In situations where CAS Participant's objectivity and ability to carry out his or her duties and responsibilities with CAS are hindered by ongoing conflicts of interest, the CAS Participant should offer to resign from their position.

### **c. Recognizing When Others are in Conflict**

Where a CAS Participant believes that another CAS Participant has an actual or perceived conflict of interest that has not been declared, he or she has a responsibility to take one of these steps:

- Inform the CEO or President or the directors or committee members at a board of directors or committee meeting, as appropriate, of the potential conflict of interest; or
- In the case of officials, inform the Chair of the National Officials Committee.

Pointing out a potential conflict of interest is not an accusation; it is merely looking out for due process.

## **2. Benefits, Entertainment and Gifts**

CAS Participants must not solicit or accept benefits, entertainment or gifts (collectively "Gifts") in exchange for or as a condition of the exercise of their duties, or as an inducement for performing an act associated with their duties or responsibilities with CAS. Similarly, CAS Participants must not give away Gifts on behalf of CAS in exchange for, or as a condition of, any benefit for CAS or the CAS Participant.

It is the responsibility of the CAS Participant to ensure that a gift, whether received or to be given, is proper. If in doubt, the CAS Participant should consult with their immediate supervisor or a Person in Leadership (as defined in Section I.).

### 3. Outside Business Activity

A CAS employee or person under contract with CAS may undertake an outside business activity if there is no conflict of interest and if the satisfactory performance of the employee or contractor's job functions with CAS is not prejudiced in any way. Such activities include an outside business interest, directorship or outside employment. In addition, the following rules apply:

- The CAS employee or contractor should not engage in any activity likely to compromise CAS's reputation;
- The CAS employee or contractor should not conduct outside business on CAS time or use CAS information, equipment or facilities to conduct an outside business interest. This includes soliciting other CAS Participants to participate in an outside business activity; and
- Before taking on or continuing an outside business interest or committing to a job outside CAS, this should be discussed with the CEO to be sure these activities do not create a conflict or the appearance of a conflict.

### 4. Officials

a) All officials are obligated to avoid situations where their or their Family Members' personal interests could conflict with behaviour expectations for officials or otherwise call their integrity into question.

i) The following categories of people are deemed to have a conflict of interest:

- a relative of a Competitor - For purposes of this rule, a "relative" includes step relationships and is any of parent, child, sibling, uncle, aunt, nephew, niece, first cousin, grandparent, or spouse (includes boyfriend and girlfriend)
- a Coach of a Competitor - defined as a personal or team coach of a competitor who coaches that competitor in figures and/or routines on a regular basis
- a parent, child, sibling or spouse of a Coach of a Competitor
- a Team Manager or relative of a Team Manager
- an inhabitant of the same household of any of a), b) c), or d)

b) Officials must disclose any deemed conflict of interest in writing by sending a letter to the Chair of the National Officials Committee and withdraw from events or competitions when appropriate.

i) Some situations are less serious than others and therefore not all conflicts require the same vigilance. The following are examples of categories of people must disclose a conflict of interest in writing to the Chair of the National Officials Committee:

- A Family Member of a current Coach of a competitor;
- A Family Member of a Team Manager of a competitor;
- A board member of a competitive club of a competitor; and

- A Family Member of a board member of a competitive club of a competitor.

Minor conflicts of interest can be managed simply by disclosing them. If the National Officials Committee agrees unanimously that the conflict is minor, the interested official can be selected for the event or competition. More serious conflicts will require an interested official to withdraw from events or competitions as determined by the National Officials Committee.

## **5. Board and Committee Members**

In addition to section (C.) above, CAS board and committee members must not allow their loyalty to CAS to be compromised by their relationship to or involvement in another organization.

CAS board and committee members are also subject to prohibitions set out in the CAS By-laws, as follows:

- Paid employees or contractors of CAS may not be elected as Directors;
- Paid employees or contractors of Provincial and Territorial Sections may not be elected as Directors.

CAS board and committee members must acquaint themselves with the CAS By-laws and sign any related certification. CAS board and committee members may not be remunerated for their services or obtain loans from CAS.

## **6. Preferential Treatment**

CAS Participants must not act in their official roles with CAS to assist organizations or persons in their dealings with CAS, if this may result in, or potentially appear to result in, preferential treatment to that organization or person.

## **7. Violations of the Conflict of Interest Requirements**

Any failure by CAS Participants to disclose actual or possible conflicts of interest may result in disciplinary action under the Complaint Process set out in this Policy.

## **D. Equity and Inclusion**

CAS is committed to equity, diversity and inclusion in all of its activities. All CAS Participants share a responsibility to provide a sport and work environment that fosters these values and will ensure that they are key considerations when setting policies and developing, updating or delivering their programs.

## **E. Discrimination, Harassment and Violence**

All CAS Participants are expected to support a work and sport environment that fosters respect and promotes everyone's dignity and self-esteem. CAS recognizes that discrimination, harassment,

bullying and violence can poison the work and sport environment, not only for the group targeted, but for many other CAS Participants. All CAS Participants must recognize that it is the impact of the behaviour on a recipient that is paramount, not the intent of the individual who engages in the perceived offending behaviour. CAS is committed to creating and maintaining a work and sport environment that is free from discrimination, harassment, sexual harassment, bullying and violence, and in which all persons are treated fairly and with respect. CAS encourages the reporting of all incidents of discrimination, harassment, bullying and violence, regardless of who the offender may be.

## **1. Discrimination**

Discrimination means any action, behaviour or attitude that negatively affects the employment, performance or volunteer activities of an individual, where such actions, behaviour or attitude is based on a prohibited ground of discrimination under applicable human rights law, including race, colour, religion, sexual orientation, disability or age. Discrimination can take place without any intent to do harm and can be based on a person's real or perceived characteristics.

This policy also applies to any other ground of discrimination prohibited by applicable law.

Examples of discrimination include:

- Making stereotypical assumptions including making someone more or less worthy as a person on the basis of race, colour, religion, sexual orientation, disability, age, body type, athletic ability or another personal characteristic; or
- Imposing burdens or withholding or limiting access to opportunities, benefits and advantages available to others, in a way that cannot be justified.

## **2. Harassment**

Harassment is a form of discrimination, and refers to conduct, comment or display that is known, or ought reasonably to be known, to be unwelcome and where the wrongful conduct may be linked to things like the person's race, colour, religion, sexual orientation, disability, age or body type. Harassment includes bullying and can take many forms but often involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading, or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. One incident could be enough to constitute harassment.

Harassment does not include:

- Interpersonal conflict or disagreement; or
- The proper exercise of performance evaluation, appropriate managerial direction, delegation, performance management or attendance management.

Specific categories of Harassment include:

**a. Personal Harassment**

Personal harassment is wrongful conduct directed toward an individual that the perpetrator knew, or ought reasonably to have known, would be unwelcome. This behaviour is not necessarily linked to the prohibited grounds of discrimination.

Examples of personal harassment include:

- Belittling jokes, insults, name-calling, inappropriate teasing, taunting or condescension that undermines self-esteem, diminishes performance or creates a hostile sport or work environment;
- Written or verbal abuse, threats or outbursts;
- Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- Ignoring someone for extended periods of time or routinely or arbitrarily excluding them from practice;
- Any form of hazing; and
- The display or distribution of visual or audio material that is offensive, or that one ought to know is offensive in the circumstances.

**b. Bullying**

Bullying is unwanted verbal, physical or social behaviour directed to harming, intimidating, humiliating or controlling inappropriately another person. Bullying usually involves repeated incidents or a pattern of behaviour and a real or perceived power imbalance.

Examples of bullying include:

- Name-calling, inappropriate teasing, or spreading rumours, gossip or innuendo;
- Excluding or isolating someone socially, or embarrassing someone in public;
- Intimidating a person or physically abusing or threatening abuse;
- Withholding necessary information or purposefully giving the wrong information;
- Damaging, destroying or stealing personal belongings; and
- Using the internet, social media or text messaging to intimidate, put-down, spread rumours or make fun of someone.

### **c. Sexual Harassment**

Sexual harassment is engaging in comments or behaviour of a sexual nature such as unwelcome sexual invitations or requests, unwanted physical contact such as touching or kissing, or innuendo or taunting about a person's body type, physical appearance or sexual orientation, gender identity or gender expression. Sexual harassment is also making sexual invitations or requests where the person making the invitation or request is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the invitation or request is unwelcome.

### **3. Violence**

Violence is any actual, attempted or threatened conduct of a person that causes or is likely to cause physical or psychological harm, injury or illness or that gives a person reason to believe that he or she or another person is at risk of physical or psychological harm, injury or illness. CAS is committed to the prevention of violence and to providing a safe and respectful work and sport environment. CAS will not tolerate any type of violent behaviour within CAS offices or at CAS Activities.

## **F. Drugs, Alcohol, Cannabis, Tobacco and E-smoking Products**

CAS Participants must never provide, promote, condone or ignore substance abuse, the non-medical use of drugs or the use of performance enhancing drugs or methods and, in the case of minors, alcohol, cannabis, tobacco or e-smoking products.

CAS Participants will refrain from consumption of alcohol, cannabis, tobacco or e-smoking products while engaged in CAS Activity including CAS hosted meets or events where minors are present. CAS Participants will exercise moderation when consuming alcohol or cannabis products in adult-oriented social situations associated with CAS events.

### **1. Cannabis**

Laws passed by the federal government and each Canadian province and territory define restrictions on recreational cannabis use including minimum cannabis use age and where cannabis may be consumed. CAS Participants will adhere to all federal, provincial and territorial laws on cannabis use.

Subject to limited exceptions for medical cannabis, cannabis use in the workplace is prohibited. CAS employees, anyone under contract with CAS, and anyone attending the CAS offices or other CAS workplaces for work-related purposes will refrain from using recreational cannabis:

- During work hours, including work breaks;
- During non-work hours where there is a potential impact on the reputation of CAS; and

- While conducting business for CAS or otherwise representing CAS, including travelling for work-related purposes.

The World Anti-doping Agency (WADA) has cannabis on its list of prohibited substances and cannabis use by any athlete subject to the Canadian Anti-doping Program may be considered doping. All CAS Participants have a responsibility to understand and observe Canadian Centre for Ethics in Sport (CCES) rules on cannabis use.

## **G. Intimate or Sexual Relationships**

CAS Participants must not engage in an inappropriate, intimate or sexual relationship with an individual when in a position of power, trust or authority over the individual, even if all parties are consenting adults.

## **H. Social Media**

CAS Participants are expected to act in a responsible manner in relation to the content of personal websites and information communicated and shared on blogs and over social media sites. CAS Participants will:

- Acquaint themselves with CAS’s mission, vision, values and policies and behave accordingly;
- Protect their privacy and take care to understand the social media site’s privacy settings and terms of service;
- Take reasonable steps to secure Confidential Information and to not disclose such information;
- Maintain a clear distinction between personal and professional social media use including having two separate accounts for these purposes where required;
- Ensure that all content is appropriate for viewing by minor athletes;
- Refrain from posting images or content related to drugs, alcohol, cannabis, tobacco or e-smoking products; and
- Keep their posts positive and not engage in bullying or negative or critical conversations online.

## **V. Specific Behaviour Expectations and Standards**

In addition to Sections (III.), (IV.) and (V.) above, there are certain behaviour expectations and standards that apply to specific categories of CAS Participants, as follows:

### **A. Athletes**

Athletes engaged in CAS Activity shall:

- Strive for personal and team achievement through complete, consistent and sincere effort;



- Show respect for themselves and for all others;
- Contribute to a positive team culture by providing positive and constructive comments to teammates that motivate and encourage continued effort;
- Recognize that any bullying behaviour will not be tolerated and let their coach or a Person in Leadership know immediately if they have witnessed bullying behaviour or have been the victim of bullying;
- Immediately report to their coach any health or medical issue that may prevent or limit their ability to train, travel or compete and, in the case of carded athletes, their ability to fulfill the carding requirements;
- Only participate in competitions for which they are eligible to compete;
- Arrive for each practice, competition, selections or other CAS Activity on time, with all appropriate gear, well-nourished and prepared to the best of their ability;
- Conduct themselves in a sportsmanlike manner, whether as competitors or spectators, and not tolerate anyone among them who does not;
- Never consume alcohol, cannabis, tobacco or e-smoking products as a minor or while competing;
- Where applicable, adhere to the CAS Athlete Agreement, its requirements and expectations; and
- Comply with CAS’s rules and requirements regarding clothing, equipment, training, travel, competition and curfew.

## **B. Board and Committee Members**

CAS directors, officers and committee members shall:

- Be responsible first and foremost to the welfare of CAS and function primarily as a member of the board or committee, not as a member of any particular constituency;
- Conduct themselves openly, professionally, lawfully and in good faith in a way that is aligned with and enforces CAS’s values and ethical standards;
- Exercise due diligence in holding their fiduciary responsibility to CAS Participants;
- Promote an appropriate culture that emphasizes the fair handling of conflicts of interest;
- Ensure that all directors, officers and committee members are given sufficient opportunity to express opinions, and that all opinions are given due consideration and weight;
- Respect the decisions of the majority and resign if unable to do so;
- Commit the time to attend meetings and to be diligent in their preparation for and participation in discussions;
- Have a thorough knowledge and understanding of all CAS’s governing by-laws, policies and rules; and

- Promote a culture that values complaints and their effective resolution.

## **C. Coaches and Team Managers**

Coaches and Team Managers engaged in CAS Activity shall:

- Demonstrate responsible leadership and adhere to the NCCP Code of Ethics;
- Act in the best interest of the athlete’s development as a whole person;
- Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of the involved athletes, and educating athletes as to their responsibilities in contributing to a safe environment;
- Work cooperatively with sport medical professionals in the diagnosis, treatment and management of athletes’ medical and psychological treatments;
- Never encourage or permit an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury;
- Accept and promote athletes’ personal goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise;
- Never withhold information or take any action that could influence inappropriately athlete decision-making about participation in national or provincial team or other training programs;
- Support the coaching staff of national or provincial team or other training programs, should an athlete qualify for participation in one of these programs;
- Not use their position as a national team coach to solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete;
- Provide athletes and the Parents of minor athletes with the information required to be involved in the decisions that affect the athlete;
- Exemplify conduct they wish their athletes to adopt in dress and behaviour;
- Maintain professional boundaries with athletes and refrain from interacting with minor athletes on social media other than through a distinct professional account;
- Ensure all online dialogue and interactions with minor athletes are for synchro-related purposes only;
- Ensure their athletes understand that discrimination, harassment, bullying and violence will not be tolerated, and create a culture of disclosure and reporting at the athlete level;
- Use inoffensive language and refrain from yelling at athletes in a manner that serves no productive training or motivational purpose;
- Not criticize other coaches or CAS or CAS Members and Participants publicly and interact in a professional manner; and
- Comply with CAS’s rules and requirements regarding dress code.

## **D. Officials**

Officials engaged in CAS Activity shall:

- Accept an assignment to officiate at a competition or event only if they intend to honour that commitment, and let the appropriate person know as soon as possible if, for any reason, they are unable to attend;
- Conduct themselves openly, professionally, impartially and in good faith in all officiating activities;
- Avoid endorsing or posting information about an athlete, coach or other CAS Participant that may suggest a preferential relationship or give the appearance of a conflict of interest;
- Declare a conflict of interest where applicable, and refrain from officiating in situations where the perception of a conflict of interest may be present;
- Make independent judgements;
- Respect the confidentiality required by issues of a sensitive nature including elections, defaults, forfeits, discipline processes, appeals, and other Confidential Information about CAS Participants;
- Commit to understanding and practicing their role as judge, referee, scorer or other official, and act appropriately within that role;
- Maintain technical knowledge of artistic swimming and all current rules and rule changes;
- Be accountable for decisions made while officiating and when writing reports, set out the true facts;
- Share technical knowledge and experience of artistic swimming with athletes, parents, coaches, meet managers, volunteers, CAS employees and other officials to enhance the development of the sport;
- Not criticize other officials or CAS or CAS Members and Participants publicly and interact in a professional manner; and
- Comply with CAS's rules and requirements regarding dress code.

## **E. Parents and Spectators**

Parents or spectators engaged in CAS Activity shall:

- Never ridicule an athlete for making a mistake during a performance or practice and provide positive comments that motivate and encourage all athletes' continued effort;
- Respect the decisions and judgments of officials and encourage athletes to do the same;
- Respect and show appreciation to all competitors and to the coaches, officials, meet managers, volunteers and other CAS Participants who give their time to the sport of artistic swimming;

- Refrain from the use of bad language, and not interfere with events or harass competitors, coaches, officials, meet managers, volunteers or other parents or spectators.

## **F. Persons in Leadership**

Persons in Leadership shall:

- Promote awareness and understanding of CAS values and the Conduct Policy;
- Consider equity, diversity and inclusion when setting policies and developing, updating or delivering CAS programs;
- Act as a role model through their behaviour, action and words and encourage and motivate other CAS Participants to do the same;
- Build trust of CAS employees, athletes and other CAS Participants by listening to and understanding their interests and needs;
- Instill an atmosphere of collaboration;
- Maintain an environment where everyone feels comfortable asking questions and raising concerns;
- Assist people to make a complaint, if needed;
- Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate; and
- Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender.

## **G. Provincial and Territorial Sections**

Provincial or Territorial Sections registered with CAS shall:

- Adhere to all CAS's governing by-laws, policies and rules and, where necessary, amend their own rules to comply with those of CAS;
- Recognize that their websites, blogs and social media accounts are seen as extensions of CAS and must reflect CAS's mission, vision and values;
- Ensure that all athletes and coaches participating in CAS sanctioned competitions and events are registered and in good standing;
- Have well-defined hiring practices and standards in place including interviews, reference checks, and police records check and vulnerable sector screening as required by CAS to ensure athletes have a healthy and safe sport environment;
- Promote a culture that values complaints and their effective resolution;

- Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate;
- Advise the CEO immediately of any situation where a complainant has publicized a complaint in the media;
- Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender; and
- Provide the CEO with a copy of a report on the outcome of any investigation by the Member into harassment or violence.

## **VI. Complaint Process**

### **A. Organizational Commitment**

All CAS Participants will cooperate with internal or external investigations of concerns of possible misconduct under this Policy by providing honest, accurate, complete and timely information.

CAS expects all employees, Persons in Leadership and Members to be committed to fair, effective and efficient complaint handling.

### **B. Accessibility**

CAS will ensure that information about how and where Complaints may be made is well publicized, including on the CAS website. CAS expects employees and Persons in Leadership to understand CAS's complaint handling procedures and to assist people who wish to make a Complaint, including pursuing an informal resolution if appropriate.

### **C. Confidentiality**

CAS recognizes that it may be extremely difficult for a person to come forward with a Complaint, and also that it may be devastating for a person to be accused wrongly of misconduct. CAS will endeavor to keep all Complaints under this Policy confidential, except where disclosure is required by law or is in the best interests of the public.

None of the parties to a Complaint will disclose confidential information about the Complaint to any person not involved in the proceedings.

### **D. Representation by a Responsible Adult**

If the complainant is a minor athlete or other vulnerable person, a Complaint may be brought forward by a parent or other responsible adult who may act on their behalf and be present during the Complaint process.

## **E. Anonymous Complaints**

CAS will accept anonymous Complaints if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.

## **F. Right to Withdraw from Further Action**

A complainant has the right to withdraw from any further action in connection with a Complaint at any stage, even though CAS might continue to investigate a Complaint of a serious nature.

## **G. Responding to Complaints**

### **1. Informal Resolution**

CAS encourages individuals to first attempt to resolve issues under this Conduct Policy informally, whenever possible. Options for informal resolution include speaking to the person and informing the individual that the conduct was inappropriate and contrary to this Policy and asking for it to stop or requesting assistance from a supervisor or any Person in Leadership at CAS.

If this approach fails to resolve the issue, or if the circumstances are such that an informal resolution is not possible or appropriate, the formal process outlined below should be used.

### **2. Respect in Sport Resource Line**

CAS Participants who have completed the Respect in Sport Group Activity Leader Training Program have the opportunity to access the Respect in Sport resource line. This 24/7 confidential and anonymous resource line provides advice on responding to inappropriate behaviour and is designed to assist in determining the most appropriate course of action to take. The Respect in Sport Resource Line may be accessed at: <https://synchro-canada.respectgroupinc.com>.

### **3. Initial Reporting**

CAS expects CAS Participants to raise any concerns about behaviour and to report any misconduct. To this end, a report of a potential, suspected or actual breach of this Policy may be made verbally or in writing to any Person in Leadership at CAS. A Person in Leadership includes the CEO, Chief Sport Officer or any CAS board member.

Once a report has been received, the Person in Leadership to whom the report was made will inform the CEO and President (if the CEO or President did not receive the report) of the report.

### **4. Formalizing a Complaint**

In order for a report to be investigated and adjudicated, it must be formalized in writing with a brief overview of the matter sent by email to the CEO, at which point it will be considered a Complaint. A

Complaint must be signed either by the complainant or by a Person in Leadership, if CAS is bringing forward the Complaint on its own or on the complainant's behalf.

The overview of the Complaint should include details of the alleged misconduct, including dates, times, locations, a description of action, account of dialogue, the name of the perpetrator(s) and any witnesses or names of other individuals who may have other relevant information. Once a Complaint has been received, the CEO will inform the President of the Complaint. The CEO will acknowledge receipt of the Complaint to the complainant.

The parties to a Complaint are CAS, the respondent and the complainant, if any.

Depending on the nature of the Complaint, the CEO may investigate personally or appoint an independent third-party investigator or external mediator. The CEO will always appoint an independent third-party investigator in situations where the complainant has publicized the complaint in the media, more than one person has alleged harassment, or the allegations are of a serious nature (e.g., an ongoing pattern of harassment, sexual harassment or violence).

## **5. Initial Screening**

The CEO has the following responsibilities:

- To determine whether the complaint is trivial, frivolous or vexatious; and
- To determine whether the complaint falls under the jurisdiction of this Policy.

Complaints arising from the business, activities or events of entities other than CAS, including CAS Members, will be dealt with pursuant to the policies of these other entities unless requested and accepted by CAS at its sole discretion.

If the complaint is dismissed based on the grounds referred to above, the CEO will inform the President. The CEO will advise the complainant of the decision to dismiss the complaint in writing and of his or her right to appeal the decision.

## **6. Harassment and Violence**

CAS will ensure an investigation is conducted into all allegations of harassment or violence, whether the CAS Participant has made an initial verbal or written report, a formal Complaint or CAS is otherwise aware of an incident(s) (e.g., if a CAS employee witnessed it or learned about it from another CAS Participant). CAS has a legal responsibility to maintain a harassment-free work and sport environment that goes beyond the circumstances of the individual Complaint. If the complainant chooses not to pursue a Complaint, the CEO in consultation with the President must determine if the alleged harassment is serious enough to warrant an investigation by CAS.

## **7. Objectivity**

No Person in Leadership who is the subject of a Complaint, or who has a material personal interest in the matter, shall participate in the complaint process once it has been formalized (other than as a complainant, witness or respondent, as applicable). To this end, if the CEO is involved in the

Complaint, the President will lead the complaint process. The CEO or President may assign the matter to any other Person in Leadership or to a Case Manager if required.

## **8. Interim Measures**

The CEO may impose interim measures pending the investigation and disposition of a Complaint where the CEO is of the view that such measures are in the best interest of the complainant, respondent or CAS.

## **9. Internal Resolution**

The CEO may choose to investigate the Complaint personally or to appoint a panel of three persons of the CEO's choosing to hear the Complaint. The CEO will serve as the Chair of the panel. The CEO or the panel may obtain independent advice, as appropriate.

The CEO will advise the respondent of the Complaint and will provide the respondent with a copy of the written Complaint and of this Policy. The respondent will be given an opportunity to submit a written response to the allegations within a reasonable period of time, but in no event fewer than 24 hours and no more than one week.

The CEO may request a hearing, which may be in-person or by telephone or electronic means. The CEO may request that other individuals participate and give evidence at a hearing. These decisions are at the sole discretion of the CEO and may not be appealed.

The CEO will determine how the hearing should proceed, provided that:

- The complainant and respondent are given reasonable written notice of the format of the hearing including the day, time and, in the case of an in-person hearing, place of the hearing;
- Timelines for written statements are prescribed and copies of any written documents are provided to the complainant and respondent in advance of the hearing;
- The complainant and respondent may be accompanied by a representative including legal counsel at their own expense; and
- The decision on whether misconduct has been substantiated will be by a majority vote.

If the respondent declines to submit a written response or to participate in a hearing, the hearing will proceed, and a written investigation report will nonetheless be issued.

## **10. Access to an Independent Third-party Investigator**

The CEO may choose to appoint an independent third-party investigator to help in the resolution of a Complaint. This decision may be taken at any point in the complaint process where it is appropriate and where such an approach would be beneficial to all parties. CAS will assume all expenses associated with retaining an independent third-party investigator.



The CEO may consult with the investigator during the course of the investigation, may review the investigation report in draft and may provide additional terms of reference to, or request clarification from, the investigator, provided that none of the involvement is for the purpose of influencing the findings, or will compromise the independence of the investigator.

## **11. Mediation**

If the CEO determines mediation could be a successful alternative to the more formal complaint process, the CEO may suggest mediation and if the complainant and respondent are willing to enter into mediation, the CEO will select and provide at CAS's expense, a mediator to mediate the matter.

## **H. Decision**

The CEO will be responsible for determining whether misconduct has been substantiated in light of the findings of fact contained in the investigation report and for deciding what disciplinary or corrective action is appropriate. The CEO will inform the President of this decision who will, in turn, inform the CAS board of directors.

The complainant and respondent will be advised of the CEO's decision within a reasonable period of time, but in no event more than two weeks following the conclusion of an investigation. A summary of the written investigation report will be shared with the parties, but the full report will be considered confidential and will not be shared with anyone other than the President. The CEO will advise the complainant and the respondent of their right to appeal the decision.

## **I. Disciplinary Action**

CAS Participants against whom a Complaint is substantiated may be disciplined, up to and including termination of employment or expulsion from the organization.

The CEO may apply the following disciplinary or corrective actions, individually or in combination:

- Verbal or written warning;
- Verbal or written apology from the respondent to the complainant;
- Service or other voluntary contribution to CAS;
- Removal of certain privileges;
- Suspension from certain events, which may include suspension from the current competition or from future teams or competitions;
- Suspension from certain CAS Activity such as coaching or officiating for a prescribed period of time;
- Suspension from employment or contract with CAS with or without pay;
- Payment of the cost of repairs for property damage;

- Demotion or reduction in pay;
- Termination of employment or contract;
- Expulsion from the organization;
- Publication of the decision; or
- Any other sanction considered appropriate.

In all cases, the CEO will draft and retain a Complaint report which, together with investigation report, will become part of the respondent's permanent record.

Where the CEO determines that a Complaint is vexatious, retaliatory or frivolous, it may impose disciplinary action of the nature referred to above against the complainant.

Enforcement of any disciplinary or corrective action is the responsibility of the CAS board of directors. Failure to comply with disciplinary measures will result in automatic suspension from all CAS Activity until such time as the measures have been complied with.

## **VII. Appeals**

### **A. Organizational Commitment**

CAS recognizes the right of any CAS Participant to appeal a decision of CAS that he or she considers unfair or unjust and provides for an appeal process that is intended to be fair, timely and affordable.

### **B. Scope of Appeal**

Any CAS Member who is affected by a decision of the CAS board, of any Committee of the board or individual who has been delegated to make decisions on behalf of CAS or its board has the right to appeal that decision provided there are sufficient grounds for the appeal as set out below. This Appeal Policy will not apply to decisions relating to:

- Employment;
- Infractions for doping offences, which are handled in accordance with the Canadian Anti-doping Program;
- The rules of the sport as set out in the CAS Rulebook;
- Team selection criteria;
- Disputes arising during competitions, which have their own appeal procedures; or
- Commercial matters or labour disputes for which another appeal process already exists under the applicable law or contract.

## **C. Grounds for Appeal**

A disciplinary decision under this Policy may be appealed on the following grounds only:

- The decision under appeal was made without authority or jurisdiction;
- The investigation was conducted in an unfair or biased manner;
- Substantial new evidence has become available after the decision;
- The disciplinary or corrective action imposed was excessive or inappropriate; or
- A complainant may appeal a decision by the CEO not to deal with a Complaint.

## **D. Confidentiality**

None of the parties to an appeal will disclose confidential information about the appeal to any person not involved in the proceedings.

## **E. Objectivity**

No Person in Leadership who is the subject of a Complaint, or who has a material personal interest in the matter, shall participate in the appeal process (other than as an appellant or interested party, as applicable). To this end, if the CEO is involved in the appeal, the President will lead the appeal process. The CEO or President may assign the matter to any other Person in Leadership if required.

## **F. Representation by a Responsible Adult**

If the appellant is a minor athlete or other vulnerable person, an appeal may be brought forward by a parent or other responsible adult who may act on their behalf and be present during the appeal process.

## **G. Appeal Process**

### **1. Notice of Appeal**

A notice of appeal of a decision under this Policy must be made in writing to the CEO within fourteen days of the appellant receiving notice of the CEO's decision and any disciplinary or corrective action and must state the grounds for the appeal and specific reasons for the appeal as well as any evidence that supports the grounds for the appeal.

The parties to an Appeal are CAS, the appellant, the respondent and any interested parties.

A copy of the notice of appeal will be provided immediately to the President, the respondent and to every person entitled to participate as an interested party in the appeal. Respondent refers to the body or individual whose decision is being appealed. Interested parties include individuals who can be directly affected by an appeal decision.

Any individual wishing to initiate an appeal beyond the fourteen-day period must provide a written request stating reasons for an exemption to this requirement. The decision to allow or not allow an appeal outside the fourteen-day period is at the discretion of the Case Manager appointed by the CEO and may not be appealed.

## **2. Initial Screening**

The Case Manager has the following responsibilities:

- To determine whether the notice of appeal was submitted in a timely manner;
- To determine whether the appeal falls under the jurisdiction of this Policy;
- To determine whether the appeal is trivial, frivolous or vexatious; and
- To decide whether there are sufficient grounds for the appeal.

If the appeal is denied based on the grounds referred to above, the Case Manager will advise the appellant in writing of the reasons for the decision. This decision may not be appealed.

## **3. Appointment of Appeal Committee**

If the Case Manager is satisfied that there are sufficient grounds for an appeal, the Case Manager will establish an Appeals Committee as soon as feasible, but in no event later than thirty days from the date of the notice of appeal referred to above. The Appeal Committee will consist of a single Adjudicator to hear the appeal. This individual may be a CAS Participant or an external appointee.

In extraordinary circumstances and at the discretion of the Case Manager, a panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the panel's members to serve as the Chair. None of the persons hearing the appeal may have been previously involved in the matter, have a significant relationship with any of the parties to the appeal or otherwise have a real or perceived conflict of interest.

## **4. Procedure for Appeal Hearing**

The Appeal Committee may request a hearing, which may be in-person or by telephone or electronic means. The Appeal Committee may request that other individuals participate and give evidence at a hearing. These decisions are at the sole discretion of the Appeal Committee and may not be appealed.

The Appeal Committee will determine how the hearing should proceed, provided that:

- The appellant(s), respondent and any interested parties are given reasonable written notice of the format of the appeal including the day, time and, in the case of an in-person hearing, place of the hearing;
- Timelines for written statements are prescribed and copies of any written documents are provided to the Appeal Committee and to all other parties in advance of the hearing;

- Any of the parties may be accompanied by a representative including legal counsel at their own expense; and
- The decision will be by a majority vote as applicable.

The following persons may appear before the Appeal Committee at its hearing and make representations in the appeal:

- The appellant(s);
- The respondent;
- Any interested parties; and
- Any other person invited by the Appeal Committee to make representations or permitted to attend.

If a party to the appeal declines to submit a written response or to participate in a hearing, the hearing will proceed, and a decision will nonetheless be issued.

The appellant bears the onus of proof and must demonstrate, on a balance of probabilities, that the respondent has made a procedural error as described in the Grounds for Appeal.

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

## **H. Appeal Decision**

The Appeal Committee's deliberations shall take place *in camera*. No other person shall be present during the deliberations.

The Appeal Committee, by a majority of votes cast, may:

- Reject the appeal and confirm the decision being appealed;
- Uphold the appeal and refer the matter back to the CEO for further investigation and a new decision; or
- Uphold the appeal and vary the decision.

The Appeal Committee will provide written reasons for its decision. A copy of the written reasons will be provided to the CEO, the President, the appellant, respondent and to any interested parties in the appeal. In extraordinary circumstances, the Appeal Committee may issue an oral decision or a summary written decision, with reasons to follow within a reasonable delay.

## **I. Liability Disclaimer**

Except in cases of willful misconduct, the Appeal Committee will bear no liability for any act or omission in connection with the resolution of a dispute under this Policy. Members of the Appeal Committee cannot be called as witnesses during an appeal or before any court of competent jurisdiction, including with respect to costs.

No action or proceeding may be brought against CAS or CAS Participants in respect of a dispute, unless CAS is failing or refusing to comply with the provisions set out in this Policy on complaint resolution or the appeals process.

## **J. Sport Dispute Resolution Centre of Canada (SDRCC)**

Any final decision made by the Appeal Committee may be referred to arbitration or mediation by way of application to the Sport Dispute Resolution Centre of Canada (SDRCC). The decision rendered by SDRCC will be final and binding upon all parties.