



Discipline and Complaints Policy

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Definitions

1. [Defined terms](#) used in the *Discipline and Complaints Policy* include:

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| a) <i>Canadian Safe Sport Program (CSSP)</i> | l) <i>Med/Arb</i> |
| b) <i>Canadian Safe Sport Program (CSSP) Consent Form</i> | m) <i>Member Association</i> |
| c) <i>Canadian Safe Sport Program (CSSP) Participant</i> | n) <i>Member Curling Club or Facility</i> |
| d) <i>Canadian Safe Sport Program (CSSP) Sport Organization</i> | o) <i>Minor</i> |
| e) <i>Code</i> | p) <i>Misconduct</i> |
| f) <i>Complainant</i> | q) <i>Organization(s)</i> |
| g) <i>Dispute Resolution Officer</i> | r) <i>Organizational Participant(s)</i> |
| h) <i>Harass or Harassment</i> | s) <i>Party or Parties</i> |
| i) <i>Independent Third Party</i> | t) <i>Power Imbalance</i> |
| j) <i>Fair Play Panel</i> | u) <i>Prohibited Behaviour</i> |
| k) <i>Maltreatment</i> | v) <i>Provisional Measures</i> |
| | w) <i>Respondent</i> |
| | x) <i>Sport Integrity Canada (SIC)</i> |

y) *UCCMS*

z) *Vulnerable Participant or
Vulnerable Organizational
Participant*

Purpose

2. The purpose of this policy is to set out the processes by which complaints or reports of violations of the *Organization(s)*'s *Code*, the *UCCMS*, the *CSSP*, or other applicable conduct standard established will be addressed.
3. *Organizational Participants* are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of the *Organization(s)*, as updated, and amended from time to time.
4. Non-compliance with any of the *Organization(s)*'s policies, by-laws, rules, or regulations, may result in the imposition of sanctions pursuant to this policy and/or the by-laws of the *Organization(s)*.

Application – General

5. This policy applies to all *Organizational Participants* and to any alleged breaches of the *Organization(s)*'s policies, by-laws, rules, that designate this policy as applicable to address such alleged breaches.
6. In addition to being subject to disciplinary action pursuant to this policy, an employee of the *Organization(s)* who is a *Respondent* to a complaint may also be subject to consequences in accordance with the relevant employment agreement or applicable human resources policies.

Reporting

CSSP Participants (as Designated by Curling Canada)

7. Any incident that involves alleged *Maltreatment* or *Prohibited Behaviour* (as defined in the *UCCMS*) and involving a *CSSP* participant must be reported to the [SIC](#) and will be addressed pursuant to the *CSSP* Rules.
8. The *SIC* shall determine the admissibility of complaints related to any incidents that involve alleged *Prohibited Behaviour* in accordance with the relevant and applicable *CSSP* Rules.

9. If Curling Canada's *Independent Third Party* receives a complaint that they consider would otherwise fall within the above sections, they shall immediately refer the matter to the *SIC* and notify the individual(s) that made the complaint of such action.
10. If a complaint involves multiple *Respondents*, including one or more *CSSP Participants*, the *Independent Third Party* may hold the complaint in abeyance pending a jurisdictional determination by the *SIC*.

Organizational Participants

11. Any complaints involving alleged breaches of the *Organization(s)*'s policies that designates the *Discipline and Complaints Policy* as the applicable mechanism and that do not fall within the jurisdiction of the *SIC* may be reported by an *Organizational Participant* or any other individual to the *Independent Third Party* in writing within six (6) months of the occurrence of the incident. For the avoidance of doubt, this includes complaints referred to the *Independent Third Party* by the *SIC* if the *SIC* determines that a complaint initially reported to the *SIC* does not fall within its jurisdiction. The *SIC* is not required to comply with the deadline specified in this section.
 - a) If a complaint is filed with the *Independent Third Party* in writing within six (6) months of the occurrence of the incident, the *Independent Third Party* will accept the complaint.
 - b) If the complaint is submitted after six (6) months of the occurrence of the incident but within five (5) years of the occurrence of the incident, the *Independent Third Party* may only accept a complaint if they determine that doing so is warranted based on their assessment of the following non-cumulative factors:
 - i. The relevant rules, norms and policies, including without limitation, social and legal norms, in effect at the time of the alleged violation(s);
 - ii. The severity of the allegations and the facts and circumstances of the matter;
 - iii. The safety and well-being of participants and the sport community;
 - iv. The potential risks and prejudice from action and inaction, with safety being paramount;
 - v. The ability to identify potential parties and witnesses and to obtain sufficient evidence; and

- vi. The best interest of the curling community_and those who participate in it, including the views of the person(s) directly impacted, when feasible.
 - 1) If a complaint submitted five (5) years after the incident involves allegations, if proven, would trigger a presumptive sanction of permanent ineligibility, under the UCCMS, the complaint shall be accepted.
 - c) Complaints of *Sexual_Maltreatment* may be brought at any time. No limitation period applies, recognizing that delayed disclosure is common in such cases. While all complaints will be given due consideration, the ability to proceed may depend on the availability of evidence, the identification of involved parties, and other necessary factors for a fair and effective process.
12. Notwithstanding any provision in this policy, Curling Canada may, at their discretion, or upon request by the *Independent Third Party*, act as the *Complainant* and initiate the complaint process under the terms of this policy. In such cases, Curling Canada will identify an individual to represent the organization.
13. A *Complainant* or any other individual who submits a report regarding a potential breach of Organization(s)'s policies who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the *Independent Third Party* and request that their identity be kept confidential.
- a) If the *Independent Third Party* considers that the *Complainant's* identity must remain confidential during the initial stages, the *Independent Third Party* may ask that Curling Canada take carriage of the complaint and act as the *Complainant*.¹ The confidentiality of the *Complainant's* identity may not be guaranteed.
 - b) A *Complainant's* identity may need to be disclosed if required to ensure procedural fairness, if legally mandated, or if necessary to the effective resolution of the Complaint.
 - c) If disclosure becomes necessary, the *Complainant* will be informed in advance, and reasonable measures will be taken by the *Independent Third Party* to minimize any potential harm.
 - d) If, at any stage, it is determined that the *Complainant's* anonymity cannot be maintained or adequately protected, the *Complainant* may elect to withdraw from the disciplinary proceeding without prejudice or adverse consequence.

¹ In such circumstances, the *Complainant(s)* may be required to provide evidence during the disciplinary process.

14. Where the *Independent Third Party* refers a matter to be managed by a *Member Association*, or where a *Member Association* is otherwise responsible for managing a matter, and the *Member Association* fails to conduct disciplinary proceedings within a reasonable timeline, Curling Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the *Fair Play Panel* or *Dispute Resolution Officer* decides that Curling Canada acted reasonably in taking jurisdiction over the matter, Curling Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by the *Member Association* to Curling Canada.

Minors

15. Complaints may be brought by or against an *Organizational Participant* who is a *Minor*. *Minors* must have a parent/legal guardian or other adult serve as their representative during this process. Where appropriate, the *Minor's* preference regarding their representative should be considered.
16. Communication from the *Independent Third Party*, *Fair Play Panel* or *Dispute Resolution Officer* (as applicable) must be directed to the *Minor's* representative.
17. If the *Minor's* representative is not their parent/legal guardian, the representative must have written permission to act in such a capacity from the *Minor's* parent/legal guardian, unless the parent/legal guardian is implicated in the complaint or is otherwise unable to act in the *Minor's* best interest.
18. 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*.

Independent Third-Party responsibilities

19. Upon receipt of a complaint, the *Independent Third Party* 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;
 - i. This includes assessing whether the *Respondent* is registered with a *Member Association* that has a different designated reporting and dispute resolution mechanism. If so, the matter must be referred to this process.

- ii. If the *Member Association* refuses such a referral, Curling Canada will administer the process, and seek all costs related to the process from the *Member Association*.
 - b) Determine the appropriate jurisdiction to manage the complaint by considering whether the incident occurred within a *Sanctioned Competition*, business, activities, or events of an *Organization*;
 - c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith;
 - d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
 - e) Choose which process (Fair Play Process or Process #2, as outlined below) should be followed to hear and adjudicate the matter.
20. If a complaint falls within the jurisdiction of the policy, the *Independent Third Party* will prepare a complaint summary which includes the specific allegations against the *Respondent* and forms the basis of the complaint process moving forward, to be provided to the *Respondent*.
21. If a complaint does not fall within the jurisdiction of the policy, the *Independent Third Party* must reject the complaint, providing appropriate reasons in writing. The decision of the *Independent Third Party* to reject the complaint may not be appealed.

Available Processes

22. There are two (2) different processes that may be used to hear and adjudicate complaints involving *Organizational Participants*. If a complaint does not fall within the jurisdiction of the *CSSP*, the *Independent Third Party* will determine which process will be followed, at their discretion. Such decision is not appealable.
23. The following processes are available to *Organizational Participants* of the *Organization(s)* or other individuals who have submitted a complaint.

Fair Play Process - the complaint contains allegations other than breaches of the *UCCMS* by an *Organizational Participant*, such as violations of team policy or breaches of conduct standards such as the Code, other than the *UCCMS*.

Process #2 - the complaint contains allegations involving violations of the *UCCMS* by an *Organizational Participant*.

Please refer to “**Procedural Steps**” below regarding how the Fair Play Process and Process #2 complaints are handled.

Provisional Measures

24. Provisional Measures may be imposed in a reasonable and proportionate manner, without limitation, having regard to a consideration of the following factors:
 - a) The safety or well-being of any *Organizational Participant* and the curling community;
 - b) The seriousness of the allegations and the facts and circumstances of the case;
 - c) Potential risks and prejudice from action and inaction;
 - d) The best interest of sport and those who participate in it;
 - e) The impact of the measures on the *Respondent*; and
 - f) The integrity of the process.
25. If it is considered appropriate or necessary on the basis of the circumstances, immediate *Provisional Measures* may be imposed against any *Organizational Participant* by the CEO of Curling Canada or designate after which further discipline or sanctions may be applied according to this policy.
 - a) The *Independent Third Party* will notify Curling Canada of a complaint and provide a non-binding recommendation regarding *Provisional Measures* if the allegations involve behaviours identified under the presumptive sanction section of the *UCCMS*. In such circumstances, to assist with the determination of whether *Provisional Measures* are appropriate, the *Independent Third Party* may only disclose a summary of the allegations and the identity of the *Respondent*, with no other identifying information of any other *Party* provided.
 - b) *Organizational Participants* may also be subject to *Provisional Measures* in accordance with the Rules of Curling, pending a hearing under Fair Play Process. Such *Provisional Measures* are not subject to appeal.

26. If an infraction occurs at a *Sanctioned Competition*, immediate corrective action may be taken through the procedures specific to the *Sanctioned Competition*. *Provisional Measures* may be imposed for the duration of a *Sanctioned Competition* only, or as otherwise determined appropriate by the designated party at the *Sanctioned Competition*.²
27. Notwithstanding the above section, Curling Canada may determine that an alleged incident at a *Sanctioned Competition* is of such seriousness as to warrant the imposition of a *Provisional Measure* on a *Respondent* pending completion of an investigation, assessment and/investigation by the *SIC*, criminal process, the hearing, or a decision of the *Dispute Resolution Officer*.
- a) For the avoidance of doubt, Curling Canada shall have discretion to impose additional interim measures or a *Provisional Measures* in addition to any measures imposed by the *SIC* through the *CSSP_process* or by a *Member Association*.
28. Any *Respondent* against whom a *Provisional Measure* is imposed may make a request to the *Fair Play Panel* or *Dispute Resolution Officer* (once appointed) to have the *Provisional Measure* lifted. In such circumstances, Curling Canada or the Member Association shall be provided with an opportunity to make submissions, orally or in writing, regarding the *Respondent's* request to have the *Provisional Measure* lifted.
- a) *Provisional Measures* shall only be lifted in circumstances where the *Respondent* establishes that it would be manifestly unfair to maintain the *Provisional Measure* against them.
29. Any decision, which shall be in writing with appropriate reasons, not to lift a *Provisional Measure* shall not be subject to appeal.

Procedural Steps

FAIR PLAY PROCESS

30. Following the determination that the complaint or incident should be handled under the Fair Play Process, the *Independent Third Party* will notify Curling Canada.

² In-competition discipline or sanction imposed by the applicable official or authority does not prevent an *Organizational Participant* from facing additional disciplinary proceedings under the *Code*.

31. Curling Canada will administer the process moving forward, including by appointing a *Fair Play Panel*.
32. Officials may submit Game Reports through the designated portal. Game Reports will be provided to the *Fair Play Panel* for review. Breaches of the applicable conduct standard will be reviewed by the *Fair Play Panel*; if the Rules of Curling provide for an automatic sanction, the *Fair Play Panel* shall impose the identified sanction unless they determine that a hearing is necessary. For all other Game Reports, the *Fair Play Panel* shall follow the procedure as set out below.
33. Hearings before the *Fair Play Panel* are intended to be quick, informal, and cost-effective proceedings. The format of a hearing may be 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.
34. The *Fair Play Panel* is responsible for determining the appropriate procedure of a hearing, provided that:
 - a) within five (5) *Days* of their appointment, the *Fair Play Panel* shall contact the *Complainant(s)*/Official and the *Respondent(s)* to initiate the process;
 - b) the process is expedited and must commence within one (1) to five (5) *Days* from the *Fair Play Panel*'s first contact with the Parties, unless there are extenuating circumstances or scheduling considerations that reasonably delay the start of the proceeding.
35. The *Fair Play Panel* may:
 - a) Propose and apply *Alternative Dispute Resolution* techniques, if appropriate;
 - b) Ask the *Complainant* and the *Respondent* for either written or oral submissions regarding the complaint or incident, as the *Fair Play Panel* deems appropriate.
 - i. If requested by the *Fair Play Panel*, the parties may submit 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).
 - ii. Each *Party* will receive the other *Party*'s submissions and evidence.

- iii. In the case of oral submissions, each *Party* shall be present when such submissions are made (unless waived by a *Party*).
 - c) The *Fair Play Panel* may convene the parties to a hearing, either in person or by way of video or teleconference to ask the parties questions regarding the dispute.
 - i. The *Fair Play Panel* may allow the parties to ask questions of one another, if they deem it appropriate and necessary.
- 36. Following their review of the submissions and evidence related to the complaint, the *Fair Play Panel* shall determine, on a balance of probabilities, if any of the incidents identified in the complaint occurred and, if so, determine the appropriate sanction (see: **Sanctions** below).
- 37. If, after hearing the *Parties* and reviewing their submissions, the *Fair Play Panel* considers that, on a balance of probabilities, none of the incidents identified in the complaint occurred or the incidents did not violate the applicable conduct standard, they shall dismiss the matter.
 - a) The decision will be by a majority vote of the *Fair Play Panel* members.
- 38. The *Fair Play Panel* will inform the *Parties* of their decision, which shall be in writing and include appropriate reasons. The *Fair Play Panel's* decision will take effect immediately, unless specified otherwise.
 - a) Should the circumstances require a decision to be rendered immediately or within a short timeline, the *Fair Play Panel* may render a short decision, either orally or in writing, followed by a written reasoned decision.
- 39. Any decision rendered by the *Fair Play Panel* shall be provided to and maintained in the records of Curling Canada.
- 40. Decisions of the *Fair Play Panel* may not be appealed.
- 41. Decisions will be kept confidential by the *Parties*, Curling Canada and its *Member Associations* and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.
- 42. Sanctions will be published in accordance with the *Publication Guidelines*.

PROCESS #2: Handled by Independent Third Party and Dispute Resolution Officer

Independent Third Party

43. Process #2 deals with violations of the *UCCMS* by *Organizational Participants*. Following the determination that the complaint should be handled under Process #2, the *Independent Third Party* will appoint a *Dispute Resolution Officer* to hear the complaint.
44. Once the *Dispute Resolution Officer* is appointed, the *Independent Third Party* has the following responsibilities:
 - a) Assist with the coordination of all administrative aspects of the process;
 - b) Provide administrative assistance and logistical support to the *Dispute Resolution Officer* as required;
 - i. This includes providing the *Dispute Resolution Officer* with any information related to previously imposed disciplinary sanctions against the *Respondent(s)* of the policies of Curling Canada, any *Member Association* or any other sport organization that had authority over the *Respondent* at the request of the *Dispute Resolution Officer*;
 - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
45. If warranted based on the extraordinary nature of the case, the *Independent Third Party* may, in their sole discretion, appoint a panel comprised of three (3) *Dispute Resolution Officers*.
 - a) When a three-person panel is appointed, the *Independent Third Party* will designate one of the *Dispute Resolution Officers* to serve as the chair.
 - b) In such circumstances, all references to *Dispute Resolution Officer* shall be deemed to be Dispute Resolution Panel.
46. Once appointed, the *Dispute Resolution Officer* or designated chair will be the primary point of contact for the *Parties*, unless otherwise indicated.

Dispute Resolution – General

47. The complaint process will be determined by the *Dispute Resolution Officer*, as they deem appropriate in the circumstances, provided that:

- a) within five (5) *Days* of their appointment, the *Dispute Resolution Officer* shall contact the *Complainant(s)* and the *Respondent(s)* to initiate the process;
- b) all matters under this policy, including investigations, interviews, administrative meetings and hearings, may be held virtually or in person or a hybrid;
- c) the process is to be expedited, and must commence within three (3) to five (5) *Days* from the *Dispute Resolution Officer's* first contact with the *Parties*, unless there are extenuating circumstances or scheduling considerations which reasonably delay the start of the hearing;
- d) the *Dispute Resolution Officer* will determine whether it is appropriate for the matter to proceed to mediation first (See: **Alternative Dispute Resolution**). If the *Dispute Resolution Officer* does not believe that the matter should proceed to mediation or any of the *Parties* refuse to go to mediation, the matter will move directly to arbitration (See: **Arbitration Process**).
- e) The *Dispute Resolution Officer* may use a combination of **Alternative Dispute Resolution (ADR)** and **Arbitration**, commonly referred to as *Med/Arb*. *Med/Arb* is a process conducted by a *Dispute Resolution Officer* that starts as a mediation or facilitated discussion and, if the dispute is not resolved by mutual agreement, concludes by arbitration before the same *Dispute Resolution Officer*.

Alternative Dispute Resolution (ADR)

- 48. The *Organizations* supports the principles of *ADR* and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. *ADR* also avoids the uncertainty, costs, and other negative effects associated with lengthy investigation, hearings, and appeals.
- 49. All *Parties* are encouraged to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences.
- 50. The *Organizations'* position is that negotiated settlements are most often preferable to arbitrated outcomes.
- 51. Should a negotiated settlement be reached, the settlement shall be reported by the *Independent Third Party* to all parties involved, as well as Curling Canada, the relevant *Member Association* and *Member Curling Club or Facility*. Following the settlement,

any actions and/or sanctions shall be enacted in accordance with the timelines specified by the negotiated decision.

52. Should a tentative negotiated settlement be reached, the proposed settlement shall be reported to *Curling Canada* and/or a *Member Association* for approval if it involves any obligations or may reasonably impact the operations or reputation of *Curling Canada* and/or a *Member Association*. *Curling Canada* and/or a *Member Association*, as applicable may approve, reject, or propose amendments to a proposed settlement. Any decision by *Curling Canada* and/or a *Member Association* to approve, reject, or propose amendments to a negotiated settlement may not be appealed.
53. Any actions that are to take place because of the proposed settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.
 - a) The parties may not withdraw from the proposed settlement pending the approval of any actions to be taken *Curling Canada* and/or a *Member Association*.
54. Failure to comply with a signed negotiated settlement will result in the suspension of the individual from participating in sanctioned activities. The lifting of the suspension will be reviewed by the *Curling Canada* and/or an applicable *Member Association* upon the completion of all conditions identified in the signed negotiated settlement.
55. Any negotiated settlement will be final and binding on the *Parties*. Negotiated settlements may not be appealed.
56. A non-disclosure agreement (NDA) or any other confidentiality provision entered as part of a negotiated settlement may not prevent the publication by *Curling Canada* or other applicable sport organization of sanctions on registries such as the *CSSP* public registry, *SIC* database, or *NSO* database. NDAs may not be entered into if a complaint involves allegations of sexual *Maltreatment*, grooming and boundary transgressions unless such an agreement:
 - a) are the expressed wish and preference of the *Complainant(s)*;
 - b) includes an opportunity for the *Complainant (s)* to decide to waive their own confidentiality in the future and the process for doing so;
 - c) aligns with the principles of the *UCCMS*;
 - d) is of a set and limited duration; and

- e) does not adversely affect:
 - i. the health or safety of a third party, or
 - ii. the public interest.
- 57. Any NDA in a complaint involving allegations of sexual *Maltreatment*, grooming and boundary transgressions must be reviewed and approved by the *Dispute Resolution Officer*. The *Dispute Resolution Officer* may, at their sole discretion, approve, reject, or propose amendments to an NDA.
 - a) Any decision by the *Dispute Resolution Officer* to approve, reject, or propose amendments to an NDA may not be appealed.
- 58. Should a negotiated settlement not be reached, the matter will proceed to arbitration.

Hearing Process

- 59. The *Dispute Resolution Officer* is responsible for determining the appropriate process of a hearing. The format of a 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.
- 60. The *Dispute Resolution Officer* shall ensure that:
 - a) All *Parties* are given the opportunity to present evidence in a manner which complies with the fundamental principles of procedural fairness, and is sensitive to the needs of *Minors*, survivors of trauma, and other *Vulnerable Organizational Participants*;
 - b) Nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence or is inadmissible by any statute;
 - i. The *Dispute Resolution Officer* may allow any evidence at the hearing filed by the parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process.

- ii. The *Dispute Resolution Officer* shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the *Parties*.
- c) If the *Dispute Resolution Officer* grants a request from either *Party* for additional time, the *Dispute Resolution Officer* has the authority to impose additional interim conditions, including additional time;
- d) The *Parties* must be given:
 - i. Appropriate notice of the date, time, and place of the hearing, in the case of an in-person hearing or a hearing by telephone or other communication medium; and
 - ii. Copies of any written documents which the parties wish to have the *Dispute Resolution Officer* consider will be provided to all parties in advance of the hearing.
- e) The parties may engage a representative, advisor, or legal counsel at their own expense;
- f) If the *Respondent* acknowledges the facts of the incident(s), the *Respondent* may waive the hearing, in which case the *Dispute Resolution Officer* will determine the appropriate sanction. The *Dispute Resolution Officer* may still hold a hearing for the purpose of determining an appropriate sanction. In such circumstances, victim impact statements may be considered by the *Dispute Resolution Officer*;
- g) The process will proceed if a *Party* chooses not to participate in the hearing;
- h) If the *Complainant* withdraws their complaints and a *Dispute Resolution Officer* has been appointed, the *Dispute Resolution Officer* may determine that the *Complaint* has been withdrawn with prejudice, considering the circumstances of the withdrawal.³
- i) The *Dispute Resolution Officer* may request that any other individual or organization participate and give evidence at the hearing, including Curling

³ A complaint withdrawn without prejudice means the matter is not permanently closed, and it may be filed again in the future, potentially with limitations or modifications.

Canada or the applicable *Member Association*, provided such participation is reasonably required to effectively conduct the proceedings.

- j) If not a *Party*, a designated representative of Curling Canada or an applicable *Member Association* shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted, bound by the confidentiality requirements of this policy. With the permission of the *Dispute Resolution Officer*, Curling Canada or an applicable *Member Association* may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the *Dispute Resolution Officer* to render its decision.

- 61. Any procedural decisions by the *Dispute Resolution Officer* may not be appealed.
- 62. The *Dispute Resolution Officer* has the power to modify a *Provisional Measure* and relieve against non-compliance with time limits, or any other technicality or irregularity as set out in this policy.
- 63. The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the *Parties* and the Organizations are reasonable.
- 64. In fulfilling its duties, the *Dispute Resolution Officer* may obtain independent advice.

Decision

- 65. After hearing the matter, the *Dispute Resolution Officer(s)* will determine, on a balance of probabilities, whether an infraction has occurred and, if so, the sanctions to be imposed. If the *Dispute Resolution Officer* considers that an infraction has not occurred, the complaint will be dismissed.
- 66. Within fourteen (14) *Days* of the conclusion of the hearing, the *Dispute Resolution Officer's* written decision, with reasons, will be distributed to all *Parties* by the *Independent Third Party*, including to Curling Canada and the relevant *Member Association(s)*.
 - a) The decision will be by a majority vote of the *Dispute Resolution Officers* when a Dispute Resolution Panel has been appointed.

67. In extraordinary circumstances, the *Dispute Resolution Officer(s)* may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) Day period.
68. The *Dispute Resolution Officer's* decision will come into effect as of the date that it is rendered, unless decided otherwise by the *Dispute Resolution Officer*. The *Dispute Resolution Officer's* decision will apply automatically to Curling Canada, its *Member Associations* and associated *Organizations*, according to the terms of the *Reciprocation Policy*.
69. Unless the matter involves a *Vulnerable Participant*, once the appeal deadline in the *Appeal Policy* has expired, Curling Canada shall publish on their website a summary of the decision, which shall include the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the *Organizational Participant(s)* involved as *Respondents* and the sanction(s) imposed, if any, or as otherwise specified by the publication guidelines. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply.
- a) Identifying information regarding *Minors* or *Vulnerable Participants* will never be published.
70. If the *Dispute Resolution Officer* dismisses the complaint, the information referred to in the previous section may only be published with the *Respondent's* consent. If the *Respondent* does not provide such consent, the information referred to in the previous section will be kept confidential by the *Parties*, the *Independent Third Party*, Curling Canada and the *Member Association* and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.
- a) Failure to respect this provision may result in disciplinary action being taken against the *Party* who breaches confidentiality pursuant to this policy.
71. Other individuals or organizations, including but not limited to, *Member Associations*, provincial/territorial sport organizations and *Member Curling Clubs or Facilities* shall be advised of the outcome of any decisions rendered in accordance with this policy.
72. Records of all decisions will be maintained by Curling Canada in accordance with their *Privacy Policy*.
73. When the *Dispute Resolution Officer* imposes a sanction, the decision shall include, at a minimum, the following information:

- a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of the Organization's policies, bylaws, rules or regulations that have been breached;
 - d) Which *Party* or *Organization* is responsible for the costs of implementing any sanction;
 - e) Which *Organization* is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) 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 *Dispute Resolution Officer's* decision.
74. If necessary, a *Party* – or the *Organization* that is responsible for implementing or monitoring a sanction – may seek clarifications from the *Dispute Resolution Officer* regarding the order so that it can be implemented or monitored appropriately.

Sanctions

75. When determining the appropriate sanction, the *Fair Play Panel* or *Dispute Resolution Officer*, 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 offence(s), acceptance of responsibility for the *Misconduct*, *Prohibited Behaviour* or *Maltreatment*, and/or cooperation in the investigative and/or disciplinary process;
 - f) Real or perceived impact of the incident on the *Complainant*, Curling Canada, Member Association, Member Curling Club/Facility or the curling 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.
76. 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.
77. The *Fair Play Panel* ⁴ or *Dispute Resolution Officer/Panel*, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or written warning** – a verbal reprimand or an official written notice that an *Organizational Participant(s)* has violated the *Code* and that more severe sanctions will result should the *Organizational Participant(s)* be involved in other violations.
 - b) **Education** – the requirement that an *Organizational Participant(s)* undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the *UCCMS*.
 - c) **Probation** – a specified amount of time within which certain terms and conditions must be met by the *Organizational Participant*, such as remaining in compliance with the *Code* and *UCCMS*. Should any further violations of the *Code*

⁴ *Fair Play Panels* are limited to imposing sanctions under section 77.a to 77.e and 77.g, the maximum suspension or ineligibility for a period of six (6) months or less.

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

- d) **Suspension** – either for a set time or until further notice, from participation, in any capacity, in any program, activity, *Sanctioned Competition*, or competition sponsored by, organized by, or under the auspices of Curling Canada and its *Member Associations*. A suspended *Organizational Participant(s)* may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the *Organizational Participant(s)* satisfying specific conditions noted at the time of suspension.
 - e) **Eligibility restrictions** – restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
 - f) **Permanent ineligibility** – ineligibility to participate in any capacity in any program, activity, *Sanctioned Competition*, or competition sponsored by, organized by, or under the auspices of Curling Canada and its *Member Associations*.
 - g) **Other discretionary sanctions** - other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.
78. The *Dispute Resolution Officer* may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed *Maltreatment*:
- a) Sexual *Maltreatment* involving a *Minor Complainant*, or a *Complainant* who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
 - b) Sexual *Maltreatment*, physical *Maltreatment* with contact, and *Maltreatment* related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
 - c) While a *Respondent* has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction

shall be a period of suspension until a final determination is made by the applicable process.

79. An *Organizational Participant(s)*'s conviction for certain *Criminal Code* offences involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with Curling Canada and its *Member Associations*. Such *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences;
 - b) Any sexual offences; and
 - c) Any offence of physical violence.
80. Failure to comply with a sanction as determined by the *Dispute Resolution Officer* will result in an automatic suspension until such time as compliance occurs.

CSSP sanction

81. Curling Canada and Member Associations will ensure that any sanctions or measures imposed by the *S/C* will be recognized and enforced within Curling Canada and the Member Association's jurisdiction once Curling Canada receives appropriate notice of any sanction or measure from the *S/C*, or if the sanction is published on the public registry.

Appeals

82. The final decision of a *Dispute Resolution Officer* may be appealed in accordance with the *Appeal Policy*, except where excluded.

Confidentiality

83. The disciplinary process is confidential and involves only Curling Canada, the *Member Association* (where applicable), the parties, the *Independent Third Party*, the *Fair Play Panel*, the *Dispute Resolution Officer* (as appropriate), and any independent advisors to the *Dispute Resolution Officer*.
84. None of the *Parties* (or their *Representatives* or witnesses) or *Organization(s)* referred to in the previous section will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Curling Canada is required to notify an organization such as an international federation, Sport

Canada, its *Member Associations* or other sport organization (i.e., where *Provisional Measures* have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

85. Publication of any decision arising out of this policy shall be in accordance with the Publication Guidelines.
86. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the *Fair Play Panel* or *Dispute Resolution Officer* (as applicable).

Timelines

87. If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the *Independent Third Party* may direct that these timelines be revised. Such decisions may not be appealed.

Statistical reporting

88. Curling Canada may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain any information that is confidential under this policy, or that has been ordered to be kept confidential by a discipline or *Appeal Panel*, but may include the number of complaints reported to the *Independent Third Party* (for Curling Canada and *Member Associations*), and statistics regarding the number of cases that were resolved through ADR, the *Fair Play* process, the discipline panel process, and the number of appeals filed pursuant to the *Appeal Policy* and whether the appeals were upheld, partially upheld or dismissed.

Privacy

89. The collection, use and disclosure of any Personal Information pursuant to this policy is subject to Curling Canada's *Privacy Policy*, subject to the authority of the *Organizations* to publish summaries of sanctions.
90. Curling Canada, its *Member Associations*, or any of their delegates pursuant to this policy (i.e., *Independent Third Party*, *Fair Play Panel*, *Dispute Resolution Officer*), shall comply with Curling Canada's *Privacy Policy* in the performance of their services under this policy.
91. The *Independent Third Party* will maintain all information securely in accordance with industry standard data retention and *Privacy Policy*.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the policy and is accepted by the *Independent Third Party*, the *Independent Third Party* will determine if the incident(s) should be investigated.
2. The use of investigations should be limited, such as in circumstances where it is otherwise unreasonable to proceed directly to a process before a *Dispute Resolution Officer*.

Investigation

3. If the *Independent Third Party* considers that an investigation is necessary, they will appoint an investigator. The investigator must be independent of the *Independent Third Party* and Curling Canada and its *Member Associations*, with experience in investigating. The investigator must not be in a conflict-of-interest situation and should also have no connection to either *Party*.
4. Federal, provincial and/or 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 applicable policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
5. The investigation may take any form as decided by the investigator, guided by any applicable federal, provincial and/or territorial legislation. The investigation may include:
 - a) Interviews with the *Complainant*;
 - b) Witness interviews;
 - c) Statement of facts (*Complainant's* perspective) prepared by the investigator, acknowledged by the *Complainant* and provided to the *Respondent*;
 - d) Interviews with the *Respondent*; and
 - e) Statement of facts (*Respondent's* perspective) prepared by investigator, acknowledged by the *Respondent*, and provided to the *Complainant*.

6. The investigation shall be conducted using trauma-informed best practices to ensure a fair, respectful and minimally harmful process.

Investigator's Report

7. 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 a *Dispute Resolution Officer* pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code*, the *UCCMS* or any other relevant and applicable Curling Canada or *Member Association* policy. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).
8. The investigator's report will be provided to the *Independent Third Party* who will disclose it, at their discretion, all or part of the investigation report to Curling Canada and the relevant *Member Associations* (if applicable). The *Independent Third Party* may also disclose the investigator's report to the parties, subject to necessary redactions to protect witness confidentiality, privacy or sensitive information, at their discretion. Alternatively, and only, if necessary, other relevant *Organizational Participants* may be provided with an executive summary of the investigator's findings by the *Independent Third Party*.
9. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall assess whether reporting to law enforcement or Curling Canada and its *Member Association(s)* (as applicable) is necessary. Where reporting to law enforcement or to Curling Canada and its *Member Association(s)* (as applicable) is not legally required, the safety, well-being, and informed consent of affected participants shall be considered before making a report. Affected *Organizational Participants* shall be informed before any report is made and provided with appropriate support resources.
10. If the *Independent Third Party* or Curling Canada or the *Member Association* (as applicable) becomes aware of credible evidence of potential criminal conduct, and is required by law to inform police, including fraud against Curling Canada or any *Member Association(s)* (as applicable), or other offences where the lack of reporting would

bring Curling Canada or the *Member Association* (as applicable) into disrepute the evidence shall be presented to the appropriate authorities.

11. The safety risks and well-being of survivors of abuse or trauma should be considered before police involvement where feasible and limit internal disclosure to essential personnel.

Reprisal and retaliation

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

False allegations

13. An *Organizational Participant* who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to Curling Canada or the *Member Association* (as applicable) that the *Organizational Participant* be required to pay for the costs of any investigation that comes to this conclusion. Any *Organizational Participant* who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any *Member Association* and Curling Canada events, activities, or business. Curling Canada or any *Member Association(s)* (as applicable), or the *Organizational Participant* against whom the allegations were submitted, may act as the *Complainant* with respect to making a complaint pursuant to this section.

Confidentiality

14. The investigator will make reasonable efforts to preserve the anonymity of the *Complainant*, witness or participant where appropriate and necessary. However, Curling Canada and its *Member Associations* recognize that maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

15. The collection, use and disclosure of any *Personal Information* pursuant to this policy by Curling Canada is subject to Curling Canada's *Privacy Policy*.
16. Curling Canada, its *Member Associations*, or any of their delegates pursuant to this policy (i.e., *Independent Third Party, Fair Play Panel, Dispute Resolution Officer*), shall comply with Curling Canada's *Privacy Policy* and *Confidentiality Policy* (or, in the case if a *Member Association*, the *Member Association's* applicable policies) in the performance of their services under this policy.

Appendix B - Publication Guidelines

1. Subject to Curling Canada's *Discipline and Complaints Policy*, sanctions issued by a *Dispute Resolution Officer* and/or *Fair Play Panel* will be considered a matter of public record, subject to the restrictions set out below.
2. Publication of any sanction will not take place until the disciplinary process undertaken by Curling Canada is complete, and/or appeal period, as the case may be, except as set out below.
3. Publication means the communication of information by making it known or accessible to the public through any means, including print, telecommunication or electronic means.
4. Notification means providing a written copy of any disciplinary decision to an *Organization* as required by the *Reciprocity Policy*. Parties who receive a copy of a disciplinary decision may not publicly disclose this information, except as reasonably necessary to implement the terms of the decision and any sanction.
5. After receiving a copy of a disciplinary decision, Curling Canada will, unless otherwise directed by the *Dispute Resolution Officer*, publish a summary of the disciplinary decision. This summary will include the name of the *Respondent(s)*, the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.
6. Summaries will be posted in accordance with the following:
 - a) Where a sanction or discipline is imposed for a set period where an *Organizational Participant* is restricted in their involvement with the sanctioned activities of Curling Canada and its *Member Associations*, such as a suspension or a probationary period, the sanction will be posted for the duration of the sanction. It will be removed once the identified time has passed plus two (2) years.
 - b) If there is a sanction or discipline involves a period of ineligibility, the sanction will be posted for the period of ineligibility plus two (2) years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.

- c) If a sanction or discipline is conditional on the completion of training, education or other conditions, the sanction will be posted until the *Organizational Participant* has completed the required conditions to the satisfaction of Curling Canada, plus two (2) years.
 - d) Publication shall take place following the completion of the process under the *Discipline and Complaints Policy*.
 - e) In exceptional circumstances, publication of a *Provisional Measure* will take place to protect the public and/or if the integrity of Curling Canada will be negatively impacted by not publishing the sanction.
 - f) In some situations, because of the risk to the community or the refusal to abide by the restrictions, public notification is required. Publication bans are standard while a complaint is in progress with Curling Canada and its *Member Associations*. All information, except for information already publicly available or released, is subject to a publication ban and must be kept confidential until the process is completed to protect the integrity of the process.
 - g) The publishing of interim suspensions and/or *Provisional Measures* will only take place in exceptional circumstances described above in subsection (e).
7. Prior to publishing the summary, Curling Canada will, at their discretion, remove any confidential or sensitive material from the summary, including any identifying information about *Organizational Participants* or other individuals named, unless these *Organizational Participants* are subject to a sanction and/or discipline in the decision.
 8. Identifying or *Personal Information* regarding *Minor* or *Vulnerable Organizational Participants* will never be published by Curling Canada and its *Member Associations*.
 9. Matters that are resolved prior to a disciplinary decision will be subject to publication in accordance with the requirements set out in paragraph 6.
 10. Disciplinary decisions involving *Provisional Measures* and sanctions imposed through the *SIC* or the *CSSP* processes or its predecessor will be published according to the guidelines established by the *CSSP* rules.
 11. Nothing in the above prohibits Curling Canada from notifying its *Member Associations* or other relevant sport organizations of any disciplinary decision imposing a sanction

and/or discipline on an *Organizational Participant*, including *Minor* or *Vulnerable Organizational Participant*, as required by the *Reciprocity Policy*.

12. If a *Minor* or *Vulnerable Organizational Participant* is sanctioned and/or disciplined under a disciplinary decision, any organization who receives notification of this disciplinary decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.
13. Records of all decisions will be maintained by Curling Canada in accordance with the *Privacy Policy*.