

DISCIPLINE AND COMPLAINTS POLICY

SAFE SPORT

DATE OF APPROVAL — AUGUST 6, 2026

REPLACING PREVIOUS VERSION — SEPTEMBER 25, 2026

PURPOSE

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of Gymnastics Canada and its Members, as updated and amended from time to time.
2. Any failure to respect the above-mentioned responsibilities and/or obligations, or any non-compliance with any of Gymnastics Canada's policies, by-laws, rules, or regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this Policy including, without limitation, immediate discipline, or a Provisional or Interim Suspension.

APPLICATION

APPLICATION — GENERAL

3. This Policy applies to all Individuals and to any alleged breaches of Gymnastics Canada's policies, by-laws, rules or regulations, or any of those of its Members, that designate this Policy as applicable to address such alleged breaches.
4. In addition to being subject to disciplinary action pursuant to this Policy, an employee of Gymnastics Canada who is a Respondent to a complaint may also be subject to additional consequences in accordance with the employee's employment agreement or Gymnastics Canada's human resources policies, if applicable.

REPORTING

CANADIAN SAFE SPORT PROGRAM (CSSP) PARTICIPANTS

5. Any incident that involves alleged Maltreatment or Prohibited Behaviour (as defined in the UCCMS) involving a CSSP Participant must be reported to Sport Integrity Canada through the CSSP and will be addressed pursuant to the CSSP's policies and procedures.
6. Notwithstanding the requirement in Section 5, the CSSP shall determine the admissibility of complaints related to any incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred prior to December 19, 2022 in accordance with the relevant and applicable CSSP Guidelines regarding the initial review and preliminary assessment, as well as the terms of the CSSP Participant Consent Form.
7. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the CSSP and notify the individual(s) that made the complaint of such action.

INDIVIDUALS

8. Any complaints involving alleged breaches of Gymnastics Canada's policies that do not fall within Sections 5 or 6 above may be reported by an Individual to the Independent Third Party in writing. For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the CSSP following a determination made by the CSSP that a complaint initially reported to it does not fall within its jurisdiction.
9. Notwithstanding any provision in this Policy, Gymnastics Canada may, at its 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, Gymnastics Canada will identify an individual to represent the organization.
10. A Complainant or any other individual who submits a report regarding a potential breach of Gymnastics Canada'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. If the Independent Third Party considers that the Complainant or other individual's identity must remain confidential, the Independent Third Party may ask that Gymnastics Canada take carriage of the complaint and act as the Complainant.¹ Prior to disclosing the

¹ In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process, and their identity could be revealed.

Complainant or other individual's identity to the Respondent, the Independent Third Party must obtain the Complainant or other individual's written consent to do so.²

11. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by Gymnastics Canada if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member does not have policies in place to address the complaint. In such circumstances, Gymnastics Canada shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to Gymnastics Canada managing the complaint. Gymnastics Canada may also take jurisdiction for a complaint that would otherwise have been managed by a Member where the Complainant(s) request that it be responsible for managing their complaint; however, in such a situation, Gymnastics Canada cannot request that a cost-sharing agreement is entered into as a pre-condition to Gymnastics Canada managing the complaint.
12. Where a Member, Club or affiliated organization is otherwise responsible for managing a complaint, and the Member, Club or affiliated organization fails to conduct disciplinary proceedings within a reasonable timeline, Gymnastics Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that Gymnastics Canada acted reasonably in taking jurisdiction over the matter, Gymnastics Canada's costs to conduct the proceedings, including legal fees, may be reimbursed by the Member, Club, or affiliated organization (as applicable) to Gymnastics Canada.

MINORS

13. Complaints may be brought by or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
14. Communication from the Independent Third Party, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
15. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.

² If a Complainant does not provide written consent to disclose their identity, they should be aware that it may be difficult to pursue the disciplinary process and/or to satisfy the relevant evidentiary burdens if their identity remains confidential.

INDEPENDENT THIRD PARTY RESPONSIBILITIES

16. 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;
- b) Determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. Whether the incident occurred within the business, activities, or Events of Gymnastics Canada, or one of its Members, Clubs or affiliated organizations; and
 - ii. if the Member, Club or affiliated organization can manage the complaint process³ (subject to the Complainant's right to request that Gymnastics Canada manage the complaint as provided for in Section 11).
- c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁴;
- d) Determine if the alleged incident should be investigated pursuant to Appendix A – Investigation Procedure; and
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

AVAILABLE PROCESS

17. There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 5-7, the Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

18. **Process #1** – the complaint contains allegations involving the following behaviours:

³ In making this assessment, the Independent Third Party may determine that the Member, Club or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member, Club or affiliated organization is not the appropriate instance to manage the complaint due to its seriousness (for example, Clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member, Club or affiliated organization.

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

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

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

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

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

- a) Repeated incidents described in Process #1
- b) Hazing
- c) Abusive, racist, or sexist comments, conduct or behaviour
- d) Incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the "Code") or the UCCMS
- e) Major incidents of violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
- h) Conduct that intentionally damages the image, credibility, or reputation of Gymnastics Canada (including staff, board or committee members) or of the image, credibility or reputation of one of its Members, Clubs or affiliated organizations (or their staff, board or committee members)
- i) Consistent disregard for the by-laws, policies, rules, or regulations of Gymnastics Canada or those of one of its Members, Clubs or affiliated organizations
- j) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Discipline and Complaints Policy* as applicable to address such alleged breaches

- k) Intentionally damaging the property of Gymnastics Canada, one of its Members, Clubs or affiliated organizations, or improperly handling any of the aforementioned organizations' monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense

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

PROVISIONAL OR INTERIM SUSPENSIONS

- 20. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a Provisional or Interim Suspension or other measures may be imposed against any Individual by the Gymnastics Canada Chief Executive Officer after which further discipline or sanctions may be applied according to this Policy. When making decisions to impose immediate discipline, a Provisional Suspension or any other interim measure against any Individual, the Gymnastics Canada Chief Executive Officer may obtain a recommendation from the Independent Third Party.
- 21. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional or Interim Suspensions or other measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Gymnastics Canada Chief Executive Officer.⁵
- 22. Notwithstanding the above, any alleged incident involving the Maltreatment of a Minor or a Vulnerable Participant shall result in the imposition of a Provisional or Interim Suspension against the Respondent. In other circumstances, the Gymnastics Canada Chief Executive Officer may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional or Interim Suspension of a Respondent pending completion of an investigation, assessment and/or investigation by the CSSP, criminal process, the hearing, or a decision of the External Discipline Panel. For the avoidance of doubt, the Gymnastics Canada's Chief Executive Officer may impose additional interim measures or a Provisional or Interim Suspension in addition to any measures imposed through the CSSP process.
- 23. Any Respondent against whom a Provisional or Interim Suspension or other measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the

⁵ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under the Code.

Provisional or Interim Suspension or other measure lifted. In such circumstances, Gymnastics Canada shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional or Interim Suspension lifted. Provisional or Interim Suspensions or other measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional or Interim Suspension or other measures against them.

24. Any decision not to lift a Provisional or Interim Suspension or other measure shall not be subject to appeal.

PROCEDURAL STEPS

25. **Process #1** - Handled by Internal Discipline Chair

Internal Discipline Chair

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

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

require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.

29. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the relevant Club, Member and Gymnastics Canada. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.
30. **Process #2** - Handled by Independent Third Party and External Discipline Panel

Independent Third Party

31. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution, if appropriate. If the dispute is not resolved using alternative dispute resolution, the Independent Third Party will appoint an External Discipline Panel. Thereafter, the Independent Third Party shall have the following responsibilities:
- a) Coordinate all administrative aspects of the process and set reasonable timelines
 - b) Provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of Gymnastics Canada, any Member or any other sport organization that had authority over the Respondent
 - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
32. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
33. The External Discipline Panel shall be composed of a sole adjudicator. However, if warranted based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) adjudicators. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
34. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
35. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:

- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible in order to ensure that costs to the Parties and Gymnastics Canada and/or the Member are reasonable
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing
 - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense
 - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
 - f) If not a Party, Gymnastics Canada and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, Gymnastics Canada and/or the relevant Member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision⁷
 - g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
 - i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.
36. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
37. The process will proceed if a Party chooses not to participate in the hearing.
38. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal in their own right, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be

⁷ The purpose of this provision is not to provide Gymnastics Canada or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide Gymnastics Canada or a Member with the possibility to provide the discipline panel with clarifying information when a Party (or the Parties) have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

bound by the decision.

39. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

DECISION

40. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
41. Within fourteen (14) days of the conclusion of the hearing, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to Gymnastics Canada and the relevant Member(s). Other individuals or organizations, including but not limited to, Members, Clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.
42. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
43. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to Gymnastics Canada and all of its Members and associated organizations without the need for any further action by Gymnastics Canada or any Member. When a provisional or interim measure is implemented by Gymnastics Canada or any of its Members prior to an External Discipline Panel's decision, automatic implementation will also apply.
44. Once the appeal deadline in the *Appeal Policy* has expired, Gymnastics Canada and/or the Member (as applicable) shall publish the outcome of the case on their website. Such publication shall include the provision(s) of the relevant policies that have been violated, the name(s) of the Respondent(s) involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will be redacted in any published outcome.
45. Where a matter that was managed by a Member is published on Gymnastics Canada's website (as indicated above), such action by Gymnastics Canada shall not be considered a decision of Gymnastics Canada for the purpose of the *Appeal Policy*.
46. If the External Discipline Panel dismisses the complaint, its decision may be published with the Respondent's consent. If the Respondent provides such consent, identifying information regarding Minors or Vulnerable Participants will be redacted. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Independent Third Party, Gymnastics Canada and the Member (including the Respondent's Club) and shall be retained and discarded in accordance

with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Policy*.

47. Records of all decisions will be maintained by Gymnastics Canada in accordance with its *Privacy Policy*.
48. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
- a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of Gymnastics Canada'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 External Discipline Panel's decision.
49. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

50. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider the following factors (where applicable):
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
 - c) The respective ages of the individuals involved;
 - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;

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- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of Gymnastics Canada;
 - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Code; addiction; disability; illness);
 - h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - j) Other mitigating or aggravating circumstances.
51. 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.
52. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice that an Individual has violated the Code and that more severe sanctions will result should the Individual be involved in other violations
 - b) **Education** - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the Code or the UCCMS
 - c) **Probation** - Should any further violations of the Code or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period
 - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Gymnastics Canada. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
 - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
 - f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Gymnastics Canada and its Members
 - 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
53. The External Discipline Panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

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- a) Maltreatment involving a Minor or Vulnerable Participant shall carry a presumptive sanction of permanent ineligibility; however, where the Respondent rebuts this presumption and establishes entitlement to a lower sanction, the sanction shall not be lower than ten (10) years for any offence involving the Maltreatment of a Minor or Vulnerable Participant.
 - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions
 - c) While a Respondent has pending charges allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.
54. An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with Gymnastics Canada. Such *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
 - b) Any sexual offences
 - c) Any offence of physical violence
55. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

CSSP SANCTION

56. As a Canadian Safe Sport Program Signatory, Gymnastics Canada will ensure that any sanctions or measures imposed by the CSSP will be implemented and respected within Gymnastics Canada's jurisdiction (including at the provincial, territorial and Club level), once Gymnastics Canada receives appropriate notice of any sanction or measure from the CSSP.

APPEALS

57. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

CONFIDENTIALITY

58. The disciplinary process is confidential and involves only Gymnastics Canada, the Member (where applicable), the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as applicable), and any independent advisors to the External Discipline Panel.

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59. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 51 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Gymnastics Canada is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional or Interim Suspension or other measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
60. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

TIMELINES

61. 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.

STATISTICAL REPORTING

62. Gymnastics Canada shall, at least annually, publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not include 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 Gymnastics Canada), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Internal Discipline Chair 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

63. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Gymnastics Canada's *Privacy Policy*.
64. Gymnastics Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with Gymnastics Canada's *Privacy Policy* (or, in the case of a Member, the Member's Privacy Policy) in the performance of their services under this *Policy*.

APPENDIX A – INVESTIGATION PROCEDURE

DETERMINATION

65. 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.
66. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:
- a) Only if the Reported incident falls within Process # 2 in the *Policy*;
 - b) In accordance with and by an independent investigator appointed pursuant to this Investigation Procedure;
 - c) Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation or, where there are several allegations, which allegations, should be heard by a discipline panel pursuant to this Policy because they constitute a likely breach of the *Code of Conduct and Ethics*, the UCCMS, the *Social Media Policy*, or any other relevant and applicable Gymnastics Canada or Member policy, or whether the allegations frivolous, vexatious or made in bad faith;⁸ and
 - d) For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Investigation Procedure.
67. If the Independent Third Party considers that an independent investigation must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to the *Policy*; however, when an investigation is conducted and where it is necessary in the circumstances, a Provisional Suspension or interim measures may be imposed in accordance with the *Policy*.
68. Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed in accordance with Process #2 in the Policy and shall inform the Parties and Gymnastics Canada or the Member (as applicable).
69. If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to the Policy, the matter shall proceed in accordance with Process #2.

⁸ Please see footnote 4 of the Policy, modified accordingly for the circumstances of an investigation.

INVESTIGATION

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

INVESTIGATOR'S REPORT

73. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the Discipline and Complaints Policy because they constitute a likely breach of the Code of Conduct and Ethics, the UCCMS or any other relevant and applicable Gymnastics Canada or Member policy. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
74. 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 to Gymnastics Canada and the relevant Members (if applicable). The Independent Third Party may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.
75. Should the investigator find that there are possible Criminal Code offences, the investigator shall advise the Parties, Gymnastics Canada and, where applicable, the relevant Member, and the matter shall be referred by the Independent Third Party to the police.

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76. The Investigator must also inform Gymnastics Canada or the Member (as applicable) of any findings of criminal activity. Gymnastics Canada or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Gymnastics Canada or any Member(s) (as applicable), or other offences where the lack of reporting would bring Gymnastics Canada or the Member (as applicable) into disrepute.

REPRISAL AND RETALIATION

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

FALSE ALLEGATIONS

78. An Individual who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *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 Gymnastics Canada or the Member (as applicable) that the Individual be required to pay for the costs of any investigation that comes to this conclusion. An Individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Member and Gymnastics Canada Events, activities or business. Gymnastics Canada or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

CONFIDENTIALITY

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

PRIVACY

80. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Gymnastics Canada's *Privacy Policy*.
81. Gymnastics Canada, its Members, or any of their delegates pursuant to this Investigation Procedure (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with

Gymnastics Canada's *Privacy Policy* (or, in the case of a Member, the Member's Privacy Policy) in the performance of their services under this Policy.