

COMPLAINTS AND DISCIPLINE POLICY

Effective date	April 1 st 2026
Archived date	-
Date last reviewed	March 10 th , 2026
Scheduled review date	November 2029
Replaces and/or amends	Harassment, Discipline and Complaints Policy in force as of Oct 1 st , 2021
Approved by and date	Board of Directors, March 10 th , 2026
Appendix(-ces) to this Policy	

Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Rowing Canada Aviron (RCA), Row Ontario, and their Member Organization, as applicable and as amended from time to time. Non-compliance may result in the imposition of sanctions pursuant to this Policy or the policies of the relevant Member.

Application of this Policy

2. This Policy applies to all Individuals and to any alleged breaches of Row Ontario’s policies, by-laws, rules or regulations, or any of those of its Members that designate this Policy as applicable to address such alleged breaches.
3. This Policy applies to matters that may arise during the business, activities, and Events of Row Ontario including, but not limited to, competitions, on and off water training, evaluations (including time trials or any other form of testing), treatment or consultations (e.g., massage therapy), training camps, travel associated with Row Ontario activities, and any meetings.
4. This Policy also applies to Individuals’ conduct outside of the business, activities, and Events of Row Ontario when such conduct adversely affects Row Ontario’s relationships (and the work and sport environment) or is detrimental to the image and reputation of Row Ontario, or upon the acceptance of Row Ontario.
5. Without limiting the generality of the foregoing, this Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from the sport of rowing where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in the sport of rowing or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or Reports an incident that occurred at a time during which a different policy was in force, the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offence or breach of the policy has occurred, unless the panel hearing the matter determines that the principle of *lex mitior* (allowing new (substantive) policies to be applied where they are more favourable to the Respondent than the

policies in force at the time) applies to the circumstances of the case; however, for such cases, this *Complaints and Discipline Policy* will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Independent Third Party at their sole discretion and shall not be subject to appeal.

6. In addition to being subject to disciplinary action pursuant to this *Complaints and Discipline Policy*, an employee of Row Ontario who is a Respondent to a Report may also be subject to additional consequences in accordance with the employee's employment agreement, if applicable, or Row Ontario's human resources or other applicable policies.
7. Row Ontario will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

Minors

8. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
9. Communication from the Independent Third Party, Case Manager, Complaint Resolution Officer or discipline panel, as applicable, must be directed to the Minor's representative.
10. All adult Individuals who Report or bring a complaint on behalf of a Minor must also comply with any applicable legal Duty to Report.
11. A Minor is not required to attend an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Reporting a Complaint

CSSP Participants

12. Any incident that involves alleged Maltreatment or Prohibited Behaviour involving a CSSP Participant must be reported to the Sport Integrity Canada and will be addressed pursuant to the CSSP Rules and any related policies and procedures.
13. The Sport Integrity Canada shall determine the admissibility of Reports in accordance with the CSSP Rules.
14. 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 Sport Integrity Canada and notify the Individual(s) that made the complaint of such action.

Individuals

15. Any complaints involving alleged breaches of Row Ontario policies that do not fall within Section 12 above may be Reported in writing by an Individual (or Individuals) to RCA's identified Independent Third Party within fourteen (14) days of the occurrence of the incident¹. For the avoidance of doubt, this includes Reported complaints referred back to the Independent Third Party by the Sport Integrity Canada following a determination made by the Sport Integrity Canada that a complaint initially reported to it does not fall within its jurisdiction. The Sport Integrity Canada is not required to comply with the deadline specified in this Section.
16. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential, the Independent Third Party may ask that Row Ontario take carriage of the complaint and act as the Complainant as laid out below².
17. If the Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.
18. Notwithstanding any provision in this Policy, RCA or a Member may, at their discretion, or upon request by the Independent Third Party in accordance with Section 16 above, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Rowing Canada or the Member (as applicable) will identify an Individual to represent the organization, unless Rowing Canada is acting as the Complainant pursuant to Section 16.

Independent Third Party Responsibilities

19. Upon receipt of a Reported complaint from an Individual (or Individuals), or Sport Integrity Canada, the Independent Third Party shall:
 - determine whether the complaint falls within the jurisdiction of this Policy;
 - if it can be accepted pursuant to procedures for reporting a complaint as described above; and
 - whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.³

If the Reported complaint is not accepted by the Independent Third Party for any of the aforementioned reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is accepted by the Independent Third Party,

¹ This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within fourteen (14) days of the occurrence of the incident

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

³ 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.

the Independent Third Party shall proceed to make the determinations indicated below and notify the Parties accordingly that the Reported complaint has been accepted.

20. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect or Maltreatment of a Minor where there is a Legal Duty to Report, they shall Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the aforementioned obligation if the Individual making the complaint or filing the Report confirms in writing that they have already Reported to any such authorities.
21. If a Reported complaint has been accepted by the Independent Third Party pursuant to Section 19 above, the Independent Third Party shall determine whether the Reported incident has occurred within the Club, Row Ontario or RCA's business, activities or Events as described in Section 3 above. If the incident has occurred outside of the business, activities or Events of any of these organizations, the Independent Third Party will determine which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident as described in Section 4 above, or if the breach has had a serious and detrimental impact on the Individual(s), as described in Section 5 above.
22. Clubs will only handle Reported complaints in relation to incidents that fall within their business, activities or Events, or, if the incident has occurred outside of the business, activities or Events of the Club but will adversely affect its relationships or detrimentally affect its image or reputation, if the Reported complaint alleges any of the incidents listed in Section 23 below. Any complaints involving incidents that fall within the Club's business, activities or Events, or outside the Club's business, activities or Events but that adversely affect its relationships or detrimentally affect its image or reputation and that fall within Section 24 below will be handled by the Club's Provincial Rowing Association.
23. The Independent Third Party shall direct a Reported complaint to be managed by the Complaint Resolution Officer of Row Ontario⁴ (if and as applicable pursuant to Sections 21 and 22 above) if the Complainant alleges that any of the following incidents have occurred:
 - i. Disrespectful conduct or behaviour
 - ii. Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will fall under Section 24 below
 - iii. Conduct contrary to the values of Row Ontario
 - iv. Non-compliance with Row Ontario's policies, procedures, rules, or regulations
 - v. Minor violations of the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy* or the Rules of Racing
24. The Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by Row Ontario (if and as applicable pursuant to Sections 21 and 22 above, but subject to Section 12) if the Complainant alleges that any of the following incidents have occurred:
 - i. Repeated incidents pursuant to Section 23

⁴ Due to limited human or financial resources, Clubs and/or Provincial Rowing Associations may establish pools of Complaint Resolution Officers to handle cases under this Policy.

- ii. Abusive, racist, or sexist comments, conduct or behaviour
 - iii. Any incident of hazing
 - iv. Behaviour that constitutes abuse, Prohibited Behaviour, Workplace Harassment or Harassment
 - v. Major incidents of physical violence (e.g., fighting, attacking)
 - vi. Pranks, jokes, or other activities that endanger the safety of others
 - vii. Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
 - viii. Conduct that intentionally damages Row Ontario's image, credibility, or reputation
 - ix. Consistent disregard for Row Ontario's by-laws, policies, rules, and regulations
 - x. Major or repeated violations of the *Code of Conduct and Ethics*, the *UCCMS*, *Social Media Policy*, *Athlete Protection Policy* or the *Rules of Racing*
 - xi. Intentionally damaging Row Ontario's property or improperly handling the organization's monies
 - xii. Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
 - xiii. A conviction for any *Criminal Code* offence.
25. In exceptional circumstances, the Independent Third Party may direct a Reported complaint to be managed by RCA if the Club or Row Ontario is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, a lack of capacity or where the Row Ontario does not have policies in place or jurisdiction to address the Reported complaint. In such circumstances, RCA shall have the right to request to negotiate a cost-sharing agreement is entered into with the Member.
26. Where the Independent Third Party refers a matter to be managed by Row Ontario, or where Row Ontario is otherwise responsible for managing a matter, and Row Ontario fails to conduct disciplinary proceedings within a reasonable timeline, RCA may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Complaints Resolution Officer or discipline panel decides that RCA acted reasonably in taking jurisdiction over the matter, RCA's costs to conduct the proceedings, including legal fees, shall be reimbursed by Row Ontario to RCA.
27. Complainants that allege incidents that could be considered Workplace Violence or Workplace Harassment will be directed to submit that complaint pursuant to Row Ontario's (or as applicable the Member Organization's) Workplace Violence and Workplace Harassment Policy.

Investigations

28. 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:
- Only if the Reported incident falls within Section 24 above;
 - In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy – Discrimination, Harassment and Prohibited Behaviour*
 - 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 if found to be true a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Protection Policy*, or

any other relevant and applicable Row Ontario policy, or whether the allegations are frivolous, vexatious or made in bad faith;⁵ and

- For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

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 this 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 guidelines below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to procedures for cases handled by a Case Manager and discipline panel below and shall inform the Parties and Row Ontario.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to the guidelines above, the matter shall proceed pursuant to the procedures below.

Provisional Suspensions

29. For Reported incidents that fall within Section 24 above, if it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Individual by the Chief Executive Officer of RCA (or their designate) or the equivalent position of the relevant Member (where applicable), following which further discipline or sanctions may be applied according to this Policy. Provisional Suspensions or interim measures are ordinarily only imposed upon the recommendation of the Independent Third Party. However, where time constraints require otherwise, a Provisional Suspension or interim measures may be imposed without first seeking a recommendation from the Independent Third Party.
30. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Chief Executive Officer of Row Ontario (or their designate) or the equivalent position of the relevant Member (where applicable).⁶
31. Notwithstanding the above, Row Ontario may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the Sport Integrity Canada, criminal process, the hearing, or a decision of the External Discipline Panel. For the avoidance of doubt, Row Ontario, may impose additional interim measures or a Provisional Suspension in addition to any Provisional Measures imposed by the Sport Integrity Canada pursuant to the CSSP Rules.

⁵ Please see footnote 2, modified accordingly for the circumstances of an investigation.

⁶ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under this policy.

32. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or discipline panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, Row Ontario shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
33. The Independent Third Party will make a determination as part of their recommendations regarding the need and appropriateness of disclosure for any Provisional Measures and/or Provisional Suspension.
34. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Complaint Handled by Complaints Resolution Officer

35. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer pursuant to Section 23 above, Row Ontario will appoint a Complaint Resolution Officer. The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation.
36. The Complaint Resolution Officer will ask the Complainant and the Respondent for either written or oral submissions regarding the Reported complaint or incident. Both Parties shall also have the right to submit to the Complaint Resolution Officer 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). The process may proceed if a Party chooses not to participate in a submission unless the Complaint is withdrawn by the Complainant(s).
37. Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. If the matter before the Complaint Resolution Officer involves a Complainant who wishes to keep their identity confidential, the Complaint Resolution Officer may redact documents as they consider reasonably necessary to protect the confidentiality of the Individual, but only to the extent that any redactions do not compromise the Respondent's procedural fairness rights. In the case of oral submissions, each Party shall have the right to be present when such submissions are made.
38. Following receipt of the Parties' submissions, the Complaint Resolution Officer may convene the Parties to a meeting, either in person or by way of video or teleconference in order to ask the Parties questions and/or, if permitted by the Complaint Resolution Officer, to allow the Parties to ask questions of one another.
39. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in Section 23 above have occurred and, if so, if one or more of the following sanctions should be applied:
 - a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to Row Ontario
 - d) Removal of certain privileges

- e) Suspension from certain teams, Events, and/or activities
 - f) Suspension from certain activities for a designated period
 - g) Education or training opportunities
 - h) Any other sanction considered appropriate for the offence
40. If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 23 above have occurred, they shall dismiss the Reported complaint.
41. The Complaint Resolution Officer will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Complaint Resolution Officer may render a short decision, either orally or in writing, followed by a written reasoned decision.
42. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of the relevant Club, Row Ontario and RCA and the Independent Third Party. 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.
43. In fulfilling its duties, the Complaints Resolution Officer may obtain independent confidential advice.

Appeals – Complaint Resolution Officer Decisions

44. Decisions made by the Complaint Resolution Officer may be appealed by the Complainant(s) or Respondent(s) in accordance with the relevant and applicable process described in the *Appeal Policy*.

Handled by Discipline Panel Case Manager

45. If the Independent Third Party determines that the Reported complaint or incident should be handled by Row Ontario pursuant to Section 24 above, Row Ontario shall appoint a Case Manager to fulfil the responsibilities listed below. In such instance, any reference to Case Manager below shall be understood as a reference to Row Ontario's Case Manager.
46. Following the Independent Third Party's determination that the Reported complaint or incident should be handled by Row Ontario pursuant to Section 24 above, the appointed Case Manager will have the responsibility to:
- a) Propose the use of the *Dispute Resolution Policy* (if considered appropriate in the circumstances)
 - b) Appoint the discipline panel, if necessary
 - c) Coordinate all administrative aspects and set timelines
 - d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of RCA, Row Ontario or any other Member or any other sport organization that had authority over the Respondent
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

47. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
48. If appropriate in the circumstances, the Case Manager will propose that the Parties use the *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the Parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single arbitrator, to hear the Reported complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a discipline panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the discipline panel's members to serve as the Chair.
49. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.
50. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the discipline panel deem appropriate in the circumstances, provided that:
- The discipline panel determines procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible in order to ensure that costs to the Parties and Row Ontario are reasonable
 - The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
 - Copies of any written documents which the Parties wish to have the discipline panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
 - The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
 - The discipline panel may request that any other Individual participate and give evidence at the hearing
 - If not a Party, Row Ontario 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 discipline panel, Row Ontario may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the panel to render its decision⁷.
 - The discipline panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The discipline panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
 - 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 or common law.
 - Where a discipline panel composed of three members is appointed, the decision will be by a majority vote

⁷ The purpose of this provision is not to provide Row Ontario 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 Row Ontario with the possibility to provide the discipline panel with clarifying information when 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.

51. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the discipline panel will determine the appropriate sanction. The discipline panel may still hold a hearing for the purpose of determining an appropriate sanction.
52. The hearing may proceed if a Party chooses not to participate in the hearing unless the complaint is withdrawn by the Complainant(s).
53. 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 discipline panel and will be bound by the decision.
54. In fulfilling its duties, the discipline panel may obtain independent advice.
55. Facts established by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the disciplinary process, as allowable by applicable law.

Decision

56. After hearing and/or reviewing the matter, the discipline panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the discipline panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
57. Within fourteen (14) days of the hearing's conclusion, the discipline panel's written decision, with reasons, will be distributed by the Case Manager to all Parties, to RCA and Row Ontario (including the Respondent's Club). In extraordinary circumstances, the discipline panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.
58. Subject to Section 57 below, unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, RCA or the Member (as applicable) shall publish the outcome of the case on their website. Publication shall be limited to the provision(s) of the relevant policies that have been violated, the name(s) of the Individual(s) involved, and the sanction(s) imposed, if any. Additionally, where RCA acts as the Complainant under Section 16 above, only RCA, and not the original Complainant, shall be identified as an involved Individual. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published by RCA or one of its Members.
59. If the discipline panel dismisses the Reported complaint, its decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 56 will be kept confidential by the Parties, the Case Manager, RCA and Row Ontario (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 *Complaints and Discipline Policy*.
60. The discipline panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the discipline panel. The discipline panel's decision will apply automatically to and must be respected by RCA, Row Ontario and all of its Members and any Individuals involved.

61. The Case Manager shall communicate decisions rendered pursuant to this Policy to RCA, Row Ontario the Parties, the relevant Member(s) and to the Independent Third Party. Decisions shall be considered confidential, unless the discipline panel orders otherwise. Records of all decisions will be maintained by RCA and Row Ontario and other Members in accordance with their respective privacy policies.
62. When the 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 RCA (or a Member)'s policies, by-laws, rules or regulations that have been breached;
 - d) Which Party or organization is responsible for the costs of implementing any sanction;
 - e) Which organization is responsible for monitoring that the sanctioned Individual respects the terms of the sanction;
 - f) Any reinstatement conditions that the Respondent must satisfy (if any);
 - g) Which organization is responsible for ensuring that the conditions have been satisfied; and,
 - h) Any other guidance that will assist the Parties to implement the discipline panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the discipline panel regarding the order so that it can be implemented or monitored appropriately.

Sanctions

63. When determining the appropriate sanction, the Complaint Resolution Officer or 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;
 - 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, RCA or Row Ontario or the rowing community;
 - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in RCA or Row Ontario the Code; addiction; disability; illness etc.);
 - 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.

64. 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.
65. The discipline panel 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 of Conduct and Ethics or UCCMS (or other policy)* 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 (or other policy),
 - c) **Probation** - Should any further violations of the *Code* or the UCCMS (or other policy) 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 RCA and its Members. 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 RCA 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,
66. The discipline panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility,
 - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions,
 - c) While a Respondent has pending charges related to 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.
67. An Individual's conviction for certain *Criminal Code* offences involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of RCA and its Members. 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

68. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of RCA, Row Ontario or any other Member or any other sport organization that had authority over the Respondent.
69. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension from participation in the activities of RCA, Row Ontario and all other Members until such time as compliance occurs.
70. Records of all decisions will be maintained by RCA and Row Ontario. Row Ontario will submit all records to RCA. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

OSIC AND/OR CSSP Sanction

71. Row Ontario will, as applicable, ensure that any sanctions or measures imposed by Abuse-Free Sport's Director of Sanctions and Outcomes ("DSO") and/or the CSSP will be implemented and respected within Row Ontario's jurisdiction (including at the provincial, territorial and club level), once they receive appropriate notice of any sanction or measure from RCA on behalf of Abuse-Free Sport and/or the Sport Integrity Canada, as applicable.

Appeals

72. The decision of the discipline panel may be appealed in accordance with the *Appeal Policy*.

Confidentiality

73. The complaints and discipline process is confidential and involves only Row Ontario (CEO/Executive Director and relevant staff as determined by the CEO/Executive Director), the Parties, the Case Manager, the Complaint Resolution Officer, the discipline panel, the Independent Third Party, the investigator (if one is appointed), and any independent advisors to the discipline panel.
74. None of the Parties (or their representatives or witnesses) or organizations referred to above will disclose confidential information relating to the discipline or complaint, including information obtained as a result of any step in the complaints and discipline process, to any person not involved in the proceedings, unless RCA or a Member is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
75. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party(ies) in breach.

Timelines

76. If the circumstances of the Reported complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the Independent Third Party or Case Manager may direct that these timelines be revised.

Privacy

77. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Row Ontario's Privacy Policy.

78. Row Ontario or any of its delegates pursuant to this Policy (i.e., Independent Third Party, Complaints Resolution Officer, Case Manager, discipline panel), shall comply with Row Ontario's Privacy Policy in the performance of their services under this Policy.