



## DISCIPLINE AND COMPLAINTS POLICY

### Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Lacrosse Canada's policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*, as amended from time to time. Non-compliance may result in sanctions pursuant to this Policy.

### Application of this Policy

2. This Policy applies to all Individuals and to any alleged breaches of Lacrosse Canada's policies, by-laws, rules or regulations.
3. This Policy applies to matters that may arise during Lacrosse Canada's business, activities, and Events including, but not limited to, competitions, practices, tryouts, training camps, treatments or consultations (e.g. massage therapy), travel associated with Lacrosse Canada's activities, and any meetings.
4. This Policy also applies to Individuals' conduct outside of Lacrosse Canada's business, activities and Events when such conduct adversely affects relationships within Lacrosse Canada (and its work and sport environment), is detrimental to the image and reputation of Lacrosse Canada, or upon the acceptance of Lacrosse Canada. Applicability will be determined by Lacrosse Canada at its sole discretion.
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 lacrosse 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 lacrosse 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 Lacrosse Canada policy was in force (i.e., *Code of Conduct and Ethics*, *Discipline and Complaints Policy*), 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 offense or breach of the policy has occurred, unless the panel hearing the matter determines that the principle of *lex mitior* applies to the circumstances of the case; however, for such cases, this 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 discipline action pursuant to this Policy, an employee of Lacrosse Canada who is a Respondent may also be subject to appropriate disciplinary action in accordance with any of Lacrosse Canada's applicable policies, as well as the employee's employment agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.



7. Lacrosse Canada will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

### **Alignment**

8. Lacrosse Canada recognizes that Individuals may also be registered with Provincial/Territorial Organizations and/or Member Clubs. Lacrosse Canada requires that Provincial/Territorial Organizations and/or Member Clubs to submit discipline decisions involving Individuals to Lacrosse Canada for the purpose of record-keeping. Decisions rendered by Provincial/Territorial Organizations or Member Clubs will be recognized and implemented by Lacrosse Canada. Provincial/Territorial Organizations or Member Clubs must also recognize and implement decisions rendered by Lacrosse Canada.

### **Minors**

9. 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. Any individual who Reports or brings a complaint on behalf of a Minor that involves known or suspected abuse, neglect or Maltreatment of a Minor that is not Reported to the OSIC pursuant to Sections 13-15 below must also Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.

10. Communication from the Executive Director, Independent Third Party, Discipline Chair or Case Manager, as applicable, must be directed to the Minor's representative.

11. 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.

12. 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**

#### UCCMS Participants

13. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred or continued as of March 31, 2023 involving a UCCMS Participant must be reported to the OSIC and will be addressed pursuant to the OSIC's policies and procedures.

14. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before March 31, 2023 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, at their sole discretion. The matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by Lacrosse Canada as a UCCMS Participant.

15. 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 OSIC and notify the Individual(s) that made the complaint of such action.

#### Individuals

16. Any complaints involving alleged breaches of Lacrosse Canada's policies that do not fall within Sections 13 or 14 above must be Reported in writing by an Individual (or Individuals) to Lacrosse Canada's



identified Independent Third Party within fourteen (14) days of the occurrence of the incident.<sup>1</sup> For the avoidance of doubt, this includes Reported complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in this Section 16.

17. 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 Lacrosse Canada take carriage of the complaint and act as the Complainant pursuant to Section 24 below.<sup>2</sup>

18. 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.

### **Independent Third Party Responsibilities**

19. Upon receipt of a Reported complaint from an Individual (or Individuals) or the OSIC, the Independent Third Party shall:

- determine whether the complaint falls within the jurisdiction of this Policy;
- if it can be accepted pursuant to Section 16 above; and
- whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.<sup>3</sup>

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, the Independent Third Party shall proceed to make the determinations indicated in Sections 21-23 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 that is not reported to the OSIC pursuant to Sections 13-15, 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 Lacrosse Canada's business, activities or Events as described in Section 3 above. If the incident

---

<sup>1</sup> 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.

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

<sup>3</sup> 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.



has occurred outside of the business, activities or Events of Lacrosse Canada, the Independent Third Party will determine if Lacrosse Canada's relationships are adversely affected or if Lacrosse Canada'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. The Independent Third Party shall direct a Reported complaint to be managed by a Complaint Resolution Officer 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 23 below
- iii. Conduct contrary to the values of Lacrosse Canada
- iv. Non-compliance with Lacrosse Canada's policies, procedures, rules, or regulations
- v. Minor violations of Lacrosse Canada's *Code of Conduct and Ethics*, or *Social Media Policy*

23. Subject to Sections 15, the Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by Lacrosse Canada if the Complainant alleges that any of the following incidents have occurred:

- i. Repeated incidents pursuant to Section 22
- ii. Abusive, racist, or sexist comments, conduct or behaviour
- iii. Any incident of hazing
- iv. Behaviour that constitutes abuse, Maltreatment, Prohibited Behaviour, Harassment, Sexual Harassment, or Workplace Harassment
- v. Major incidents of 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 Lacrosse Canada's image, credibility, or reputation
- ix. Consistent disregard for Lacrosse Canada's bylaws, policies, rules, and regulations
- x. Major or repeated violations of Lacrosse Canada's *Code of Conduct and Ethics*, or *Social Media Policy*
- xi. Intentionally damaging Lacrosse Canada's property or improperly handling Lacrosse Canada'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* offense
- xiv. Any possession or use of Prohibited Substances or Prohibited Methods

24. Notwithstanding any provision in this Policy, Lacrosse Canada may, at its discretion, or upon request by the Independent Third Party in accordance with Section 17, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. In such cases, Lacrosse Canada will identify an individual to represent the organization, unless Lacrosse Canada is acting as the Complainant pursuant to Section 17.

### Investigations

25. 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 23 above;
- In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy*;
- 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* or any other relevant and applicable Lacrosse Canada policy, or whether the allegation(s) are frivolous, vexatious or made in bad faith;<sup>4</sup> 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 Sections 26-30 below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 42 and below and shall inform the Parties and Lacrosse Canada.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 19, the matter shall proceed pursuant to Sections 42 and following below.

### **Provisional Suspensions**

26. 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 Executive Director (or their designate)<sup>5</sup> upon the recommendation of the Independent Third Party (except where there are time constraints), after which further discipline or sanctions may be applied according to this Policy.

27. 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 by the Executive Director (or their designate).<sup>6</sup>

28. Notwithstanding the above, Lacrosse Canada 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/or investigation by the OSIC, criminal process, hearing, or a decision of the discipline panel.

29. 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, Lacrosse Canada shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their

---

<sup>4</sup> Please see footnote 2, modified accordingly for the circumstances of an investigation.

<sup>5</sup> The term "designate" includes a person with authority to impose a Provisional Suspension, according to the situation.

<sup>6</sup> In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under the Policy.



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.

30. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

### **Complaint Handled by the Complaints Resolution Officer**

31. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer pursuant to Section 22 above, Lacrosse Canada 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.

32. The Complaint Resolution Officer will ask the Complainant and 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).

33. 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.

34. 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.

35. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolutions Officer shall determine if any of the incidents listed in Section 22 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 Lacrosse Canada
- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Suspension from all or some of Lacrosse Canada's activities for a designated period
- g) Education or training opportunities
- h) Any other sanction considered appropriate for the offense

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 22 above have occurred, they shall dismiss the Reported complaint.



36. 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.

37. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of Lacrosse Canada. Decisions will be kept confidential by the Parties and Lacrosse Canada (subject to Section 8) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Request for Reconsideration

38. If the Complaint Resolution Officer decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Complaint Resolution Officer by informing them in writing, within four (4) days of receiving the decision, that they are not satisfied with decision and explain why.

39. If the Complaint Resolution Officer imposes a sanction, the Respondent may request, in writing, a reconsideration from the Complaint Resolution Officer by informing them, within four (4) days of receiving the decision, that they are not satisfied with the decision. In their request for reconsideration, the Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) All evidence to support the Respondent's position; and
- c) What penalty or sanction (if any) would be appropriate.

40. Upon receiving a request for reconsideration, the Complaint Resolution Officer shall render a decision within seven (7) days explaining whether they have accepted the request for reconsideration and, if so, their new decision.

41. The Complaint Resolution Officer's new decision may be appealed in accordance with the *Appeal Policy*; however, no party shall have a right to appeal unless they have exhausted their right to request a reconsideration pursuant to Sections 38 and 39 above.

**PHandled by Case Manager**

Case Manager

42. If the Independent Third Party determines that the Reported complaint or incident should be handled by Lacrosse Canada pursuant to Section 23 above, Lacrosse Canada shall appoint a Case Manager to fulfil the responsibilities listed in Sections 43 and following.

43. Following the Independent Third Party's determination that the Reported complaint or incident should be handled by Lacrosse Canada pursuant to Section 23 above, the appointed Case Manager will have a responsibility to:

- a) Propose the use of Lacrosse Canada's *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 Lacrosse Canada, any



Provincial/Territorial Organizations or Member Clubs 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

44. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

45. If appropriate in the circumstances, the Case Manager will propose that the Parties use Lacrosse Canada's *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 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.

46. 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.

47. 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:

- a) 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 Lacrosse Canada are reasonable
- b) 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
- c) 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
- d) The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
- e) The discipline panel may request that any other individual participate and give evidence at the hearing
- f) If not a Party, Lacrosse Canada 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, Lacrosse Canada 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 decision.<sup>7</sup>
- g) 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
- h) Nothing is admissible in evidence at a hearing that:

---

<sup>7</sup> The purpose of this provision is not to provide Lacrosse Canada 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 Lacrosse Canada with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they may have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) which, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.





- 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) Where a discipline panel composed of three members is appointed, the decision will be by a majority vote of the discipline panel

48. 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.

49. The hearing may proceed if a Party chooses not to participate in the hearing.

50. 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.

51. In fulfilling its duties, the discipline panel may obtain independent advice.

52. 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 allowed by applicable law.

### **Decision**

53. 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.

54. 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 and to Lacrosse Canada. 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.

55. Subject to Section 56 below, unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Lacrosse Canada 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 Lacrosse Canada acts as the Complainant under Section 17 above, only Lacrosse Canada, 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 Lacrosse Canada.

56. 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 55 will be kept confidential by the Parties, the Case Manager, and Lacrosse Canada, 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.

57. The discipline panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the discipline panel. In accordance with Section 8 above, the discipline panel's decision will apply automatically to and must be respected by Lacrosse Canada and Provincial/Territorial Organizations and/or Member Clubs.



58. The Case Manager shall communicate decisions rendered pursuant to this Policy to Lacrosse Canada, the Parties, 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 Lacrosse Canada and any Provincial/Territorial Organizations and/or Member Clubs, if applicable, in accordance with their respective privacy policies.

59. 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 Lacrosse 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 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**

60. When determining the appropriate sanction, the discipline panel will consider the following factors (where applicable):

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
- b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
- c) The respective ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process;
- 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 of Conduct and Ethics*; 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.

61. 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.



62. 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 Code and Ethics* (or other applicable 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 of Conduct and Ethics* (or other applicable policy) or the UCCMS
  - c) **Probation** - Should any further violations of *Code of Conduct and Ethics* (or other applicable policy) 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 Lacrosse 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 Lacrosse Canada
  - 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
63. 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.
64. An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of Lacrosse 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
65. 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 Lacrosse Canada, any Provincial/Territorial Organizations and/or Member Clubs, or any other sport organization that had authority over the Respondent.



66. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension from participation in the activities of Lacrosse Canada until such time as compliance occurs.

67. Records of all decisions will be maintained by Lacrosse Canada and any Provincial/Territorial Organizations and/or Member Clubs, as applicable. Such records shall be retained and discarded in accordance with relevant and applicable privacy legislation.

### **OSIC Sanction**

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

### **Appeals**

69. The decision of the discipline panel may be appealed in accordance with Lacrosse Canada's *Appeal Policy*.

### **Confidentiality**

70. The discipline and complaints process is confidential and involves only Lacrosse Canada (Executive Director and relevant staff as determined by the Executive Director), the Parties, the Independent Third Party, the investigator (if one is appointed), the Complaint Resolution Officer, the Case Manager, the discipline panel, and any independent advisors to the discipline panel.

71. None of the Parties (or their representatives or witnesses) or persons/organizations referred to in Section 70 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Lacrosse Canada 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.

72. 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**

73. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the discipline panel may direct that these timelines be revised.

### **Privacy**

74. The collection, use and disclosure of any personal information pursuant to this Policy shall be in accordance with any applicable privacy policies and practices of Lacrosse Canada.

75. Lacrosse Canada and any of its delegates pursuant to this Policy (i.e., Independent Third Party, Complaint Resolution Officer, Case Manager, discipline panel) shall comply with Lacrosse Canada's applicable privacy policies and practices in the performance of their services under this Policy.