

**CANOE KAYAK CANADA**  
**POLICY MANUAL**  
*Effective December 16, 2022*

**INTRODUCTION**

Canoe Kayak Canada (CKC) and its Members have a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Canadian paddling community. In order to respect this fundamental obligation, CKC, in collaboration with its Members, have developed a set of policies that establish standards of conduct that must be respected throughout our sport, as well as policies that set out procedures that respect the principles of natural justice and procedural fairness in case disputes arise between Individuals, or between Individuals and CKC and/or its Members. Such disputes may be related to safe sport, but they could also include appeals in relation to selection, for example.

CKC and its Members<sup>1</sup> take any situation involving misconduct, Maltreatment and Prohibited Behaviour very seriously; for this reason, CKC and its Members are collectively committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or Maltreatment. However, it is important to be aware that this CKC Policy Manual applies not only to safe sport matters, but also appeals – related to either selection or disciplinary decisions – or other disputes that may arise.

This CKC Policy Manual contains policies for the entire Canadian paddling community that are applicable from coast to coast to coast and from the national team to the club level. These policies are intended to prevent issues from arising by communicating expected standards of behaviour to all Individuals and to set out procedures that allow for fair, consistent, immediate, appropriate and meaningful action to be taken should any issues arise.

This Policy Manual has been prepared by CKC and is intended to be a set of pan-Canadian policies applicable to CKC and its Members, which Members may adopt through a Member Declaration, which is available from CKC, or by adopting their own version of the policies, modified accordingly, and based on a template policy manual developed by CKC. Subject to provincial or territorial legislation that may impact the application of any of the policies found in this Manual, all CKC Members and Individuals shall be bound by and are expected to apply all of the policies included herein as written (or as modified, as the case may be) as a condition of participating in the activities and/or Events of CKC and its Members. This includes being bound by the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), as amended from time to time by the Sport Dispute Resolution Centre of Canada (SDRCC).

Members who need to modify or apply any policy in a different manner due to provincial or territorial legislation or funding requirements must advise CKC before they modify their policies.

Should any Individual(s) involved with paddling programs, including Athletes, coaches, officials, volunteers, and parents/guardians of Athletes, wish to Report any alleged breach of the policies included or referred to in this Policy Manual, they must do so directly to the Independent Third Party, who will then determine the appropriate forum and manner to address the complaint.

However, notwithstanding the aforementioned, any allegations involving Maltreatment and/or Prohibited Behaviour, as those terms are defined in the UCCMS, that involve a UCCMS Participant, must be Reported directly

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<sup>1</sup> Members are CKC's Divisions, Provincial/Territorial Sport Organizations, Discipline-Specific Provincial/Territorial Organizations and Clubs.

to the Office of the Sport Integrity Commissioner (OSIC)<sup>2</sup>, which will manage the matter in accordance with the Canadian Sport Dispute Resolution Code, and any other relevant and applicable policies.

Any allegations involving Maltreatment and/or Prohibited Behaviour that do not fall within the authority of OSIC, as described above, must be Reported to CKC’s Independent Third Party and shall be managed in accordance with the Policy Manual (and any other applicable policies) of the relevant and applicable Member. If the Independent Third Party receives a Report involving allegations of Maltreatment and/or Prohibited Behaviour that should have been Reported to OSIC as described above, it shall direct the Individual(s) to Report the allegations to the OSIC. Alternatively, the Independent Third Party may Report the allegations directly to OSIC with the written consent of the Individual(s) that made the Report.

CKC adopted the UCCMS on June 16, 2022. The UCCMS shall be considered as incorporated by reference in this Policy Manual and will apply, as amended from time to time, to all Individuals and Members as a condition of their participation in the sport of Canoe Kayak in Canada and/or their membership in CKC and its Members.

As referred to above, since certain policies found in this Policy Manual also apply to matters beyond safe sport (i.e., the Appeal Policy), these policies will also be published on CKC’s website so that they are readily accessible.

Lastly, this CKC Policy Manual incorporates the following policies by reference, as well as any others published on CKC’s website: <https://canoekayak.ca/policies/>

In the event of conflict between the policies directly included in this Policy Manual and the aforementioned policies that are incorporated by reference, the policies directly included in this Policy Manual shall prevail. However, in the case that the UCCMS is updated and consequently conflicts with a policy in this Policy Manual, the UCCMS shall prevail.

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<sup>2</sup> The Office of the Sport Integrity Commissioner is also referred to as Abuse-Free Sport.

## CANOE KAYAK CANADA

### DEFINITIONS

***The terms defined below shall apply to all CKC policies including those included in this CKC Policy Manual.***

1. *“Affected Party”* – Any Individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right under the *Appeal Policy*.
2. *“Appellant”* – The Party appealing a decision pursuant to the *Appeal Policy*.
3. *“Appeal Manager”* – An individual appointed by Canoe Kayak Canada or a Member who may be any staff member, committee member, volunteer, Director, or the Independent Third Party, to oversee the administration of the *Appeal Policy*. The criteria to appoint an Appeal Manager and the Appeal Manager’s responsibilities are described in the *Appeal Policy*.
4. *“Athlete”* – includes any Individual who is registered with CKC or a Member for either recreational or competitive purposes.
5. *“Board”* – the Board of Directors of Canoe Kayak Canada or a Member, as applicable.
6. *“Canadian Sport Dispute Resolution Code”* – the procedural rules under which all disputes submitted to the SDRCC must take place, as amended from time to time.
7. *“Case Manager”* – an independent individual (or individuals) appointed by Canoe Kayak Canada or a Member to fulfill the responsibilities described in the *Discipline and Complaints Policy*. In order to be appointed as a Case Manager, the individual must have relevant experience and skills to manage complaints and perform their duties, either as a legal practitioner or sport administrator.
8. *“Complainant”* – the Party making a complaint pursuant to the *Discipline and Complaints Policy*, and as referred to in the *Investigations Policy*.
9. *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
10. *“Days”* – calendar days<sup>3</sup>
11. *“Director of Sanctions and Outcomes”* – the individual(s) responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable) within the jurisdiction of the OSIC.
12. *“Discipline Chair”* – an individual appointed to handle the duties of the Discipline Chair described in the *Discipline and Complaints Policy*.
13. *“Discrimination”* – as defined in the UCCMS and as amended from time to time by the SDRCC.
14. *“Enhanced Police Information Check (E-PIC)”* – a Criminal Record Check plus a search of local police information
15. *“Event”* – An event sanctioned by Canoe Kayak Canada or a Member, and which shall include any social Events hosted by Canoe Kayak Canada or a Member

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<sup>3</sup> For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

16. *“Harassment”* – A vexatious comment (or comments) or conduct against an Individual or group, irrespective of whether the comment or conduct occurs in person or via any other media, including social media, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
- i. Written or verbal abuse, threats, or outbursts;
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
  - iv. Leering or other suggestive or obscene gestures;
  - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - vi. Practical jokes which endanger a person’s safety, or which may negatively affect performance;
  - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity, which does not contribute to any Individual’s positive development, but is required to be accepted as part of a team or group, regardless of the individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - ix. Deliberately excluding or socially isolating a person from a group or team;
  - x. Persistent sexual flirtations, advances, requests, or invitations;
  - xi. Physical or sexual assault;
  - xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
  - xiii. Retaliation or threats of retaliation against a person who Reports harassment to Canoe Kayak Canada or to a Member.
17. *“Independent Third Party”* – the independent individual retained by Canoe Kayak Canada to receive complaints and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy, Investigation Policy and Appeal Policy*, as applicable
18. *“Individuals”* – refers to all categories of members and/or registrants defined in the Bylaws of Canoe Kayak Canada or, as applicable, in the Bylaws of a Member, as well as all people employed by, contracted by, or engaged in activities with Canoe Kayak Canada and a Member including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, Event staff, managers, administrators, parents or guardians, spectators, Committee members or Directors or Officers
19. *“Maltreatment”* – as defined in the UCCMS and as amended from time to time by the SDRCC
20. *“Members”* – Includes Divisions, Provincial/Territorial Organizations, Discipline-Specific Provincial Organizations, and Clubs
21. *“Minor”* – any Individual who is under the age of majority at the time and in the jurisdiction where the alleged breach of any CKC or Member policy has occurred.

\*\*\* Minors are considered to be any individual who is under the age of majority in their province/territory. Adult Individuals are responsible for knowing the age of a Minor in the relevant jurisdiction \*\*\*

| Province/Territory  | Age of majority |
|---|-----------------|
| Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan  | 18              |
| British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut and Yukon | 19              |

**\*\*\* Please verify provincial/territorial jurisdictions for potential changes \*\*\***

22. "OSIC" – the Office of the Sport Integrity Commissioner, an independent division of the SDRCC, which comprises the functions of the Sport Integrity Commissioner.
23. "Parties" – in the context of a complaint under the *Discipline and Complaints Policy*, the Complainant(s) and Respondents(s); in the context of an appeal under the *Appeal Policy*, the Appellant, Respondent, Affected Party (or Parties).
24. "Person in Authority" – Any Individual who holds a position of authority within Canoe Kayak Canada or a Member, including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, Committee members, and directors or officers. In addition to the responsibilities described for Individuals in the Code of Conduct and Ethics, a Person in Authority shall be responsible for knowing what constitutes Maltreatment and Prohibited Behaviour.
25. "Power Imbalance" - as defined in the UCCMS and as amended from time to time by the SDRCC.
26. "Prohibited Behaviour" – as defined in the UCCMS and as amended from time to time by the SDRCC
27. "Provisional Suspension" – means that the Individual is barred temporarily from participating in in any capacity in any Event or activity of CKC and/or a Member (as applicable), or as decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.
28. "Reporting (or Report)" – as defined in the UCCMS and as amended from time to time by the SDRCC.
29. "Respondent" – the Party responding to a complaint or investigation; or, in the case of an appeal, the body or organization whose decision is being appealed, or the Individual who was the subject of a decision that is being appealed. For clarity, in the case of an appeal from a decision of a Discipline Chair or discipline panel struck under the *Appeal Policy* or *Discipline and Complaints Policy*, the Respondent will be Canoe Kayak Canada, and not the member or members comprising the Discipline Chair or discipline panel.
30. "SDRCC" – the Sport Dispute Resolution Centre of Canada
31. "Sexual Harassment" – as defined in the UCCMS, as amended from time to time by the SDRCC.
32. "Social media" – The catch-all term that is applied broadly to computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, Tik-Tok and Twitter.
33. "UCCMS" – the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC
34. "UCCMS Participant" - an Individual affiliated with CKC as designated by CKC and who has signed the required consent form. For CKC, UCCMS Participants include: CKC staff, board members, committee members, national team coaches and staff, contractors, CKC technical officials, national team and national squad athletes; athletes and coaches who participate in CKC-sanctioned events (nationals, national team trials, Canada Cups); athletes selected to World Cup, Junior and U23 World Championships and Olympic Hopes teams and any coaches who participate in such events; and athletes and coaches that participate at the ICF Dragon Boat World Championships, the ICF Marathon World Championships, the ICF Canoe Polo World Championships, the Freestyle World Championships and the ICF SUP World Championships.
35. "Vulnerable Participant" – as defined in the UCCMS and as amended from time to time by the SDRCC.
36. "Vulnerable Sector Check (VSC)" – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database

37. *“Workplace”* - Any place where Events, business or work-related activities are conducted. Workplaces include but are not limited to, the office or facilities of Canoe Kayak Canada or a Member, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment (wherever located), and work-related conferences or training sessions
38. *“Workplace Harassment”* – Vexatious comment(s) or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
- i. Bullying;
  - ii. Workplace pranks, vandalism, bullying or hazing;
  - iii. Repeated offensive or intimidating phone calls, text messages or emails;
  - iv. Inappropriate sexual touching, advances, suggestions or requests;
  - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
  - vi. Psychological abuse;
  - vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
  - viii. Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - ix. Sabotaging someone else’s work or performance;
  - x. Gossiping or spreading malicious rumours;
  - xi. Intimidating words or conduct (offensive jokes or innuendos); and
  - xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
39. *“Workplace Violence”* – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
- i. Verbal or written threats to attack;
  - ii. Sending or leaving threatening notes, text messages or emails;
  - iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
  - iv. Wielding a weapon in a Workplace;
  - v. Hitting, pinching or unwanted touching which is not accidental;
  - vi. Dangerous or threatening horseplay;
  - vii. Physical restraint or confinement;
  - viii. Blatant or intentional disregard for the safety or wellbeing of others;
  - ix. Blocking normal movement or physical interference, with or without the use of equipment;
  - x. Sexual violence; and
  - xi. Any attempt to engage in the type of conduct outlined above.

CANOE KAYAK CANADA  
PROTECTION POLICY

*This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.*

### Purpose and Application

1. This Protection Policy sets out standards that are intended to maintain a safe sport environment for all Individuals. It mainly applies to interactions between Persons in Authority and Athletes, but also applies to any situation where a Person in Authority could interact with a Vulnerable Participant, irrespective of the whether the latter is an Athlete.

### The 'Rule of Two'

Canoe Kayak Canada and its Members strongly recommend the 'Rule of Two' for all Persons in Authority who interact with Athletes, and generally for any interactions between Individuals, whether they take place in person or remotely (i.e., in virtual settings). The goal of the Rule of Two is to ensure that all interactions and communications are open, observable and justifiable.

Subject to the exceptions below, more than one screened adult must always be present in all interactions involving Persons in Authority and Vulnerable Participants. In all other circumstances, it is nevertheless strongly recommended that more than one screened adult be present during all interactions. The graphic below from the Coaching Association of Canada describes how to best implement the Rule of Two.



Figure 1. Rule of Two infographic. Please see full version on the [Coaching Association of Canada website](#).

2. Canoe Kayak Canada recognizes that fully implementing the 'Rule of Two', as described and depicted above may not always be possible in all circumstances. Consequently, at a minimum, interactions must respect the following:
  - i. The training and competition environments must be open and observable.
  - ii. Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete and, in the case of a Vulnerable Participant, prior written permission is obtained from their parent or guardian.
  - iii. Persons in Authority shall not invite or have a Vulnerable Participant (or Vulnerable Participants) in their home without the written permission and contemporaneous knowledge of the Vulnerable Participant's parent or guardian.

Please note that there may be exceptions to the Rule of Two in emergency situations (i.e., medical emergencies).

In the event that the minimum standards described in Section 3 immediately above cannot be respected for any reason whatsoever, the Person in Authority shall immediately notify the parent or guardian of a Vulnerable Participant. Notification shall be accomplished by any means that allows the Person in Authority to communicate with the Vulnerable Participant's parent or guardian at the earliest possible opportunity. If the Person in Authority cannot communicate with the Vulnerable Participant's parent or guardian, they must notify another screened Person in Authority of the circumstances of the situation that are preventing them from respecting the minimum standards described in Section 3.

CKC strongly recommends that all the requirements found in Section 3 above be applied in circumstances involving all Individuals, including where a Person in Authority and another Athlete who is not a Vulnerable Participant, or where more than one Athlete who is not a Vulnerable Participant, are involved. However, CKC recognizes that, in such situations, applying the above-mentioned requirements may not be practical or reasonable in all circumstances.

### **Practices and Competitions**

3. As it relates to practices and/or competitions, the following rules apply:
  - a) A Person in Authority shall never be alone with a Vulnerable Participant prior to or following a competition or practice unless the Person in Authority is the Athlete's parent or guardian.
  - b) If the Vulnerable Participant is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or Person in Authority arrives.
  - c) If a Vulnerable Participant would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant.
  - d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority.
  - e) If there is a concern that the Rule of Two cannot be observed due to long distance training of any nature (i.e., whether on or off water) or any other circumstances, Persons in Authority and Athletes should take additional steps to achieve transparency and accountability in their interactions. For example, a Person in Authority and an Athlete who know they will be away from other Individuals for a lengthy period of time must inform another Person in Authority where they are going and when they are expected to return. Persons in Authority should always be reachable by phone or text message.

### **Communications**

4. Communications between Individuals shall respect the following:
  - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes and Persons in Authority and any Vulnerable Participants who are not Athletes
  - b) Persons in Authority may only send personal texts, direct messages on social media or emails to individual Athletes or Vulnerable Participants who are not Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone and must be copied to another adult when Vulnerable Participants are involved.
  - c) No personal texts between Vulnerable Participants and Persons in Authority may be sent; however, if this is necessary under Section 5(b), it shall include one other adult person on the message (preferably the Vulnerable Person's parent(s)/guardian(s)).
  - d) Parents and guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or to request that certain information about their child may not



be distributed in any form of electronic communications.

- e) All communication between a Person in Authority, Athletes and Vulnerable Participants who are not Athletes must be between the hours of 6:00am and midnight unless extenuating circumstances justify otherwise (e.g., cancelling an early morning practice).
- f) Communications concerning drugs or alcohol use (unless regarding its prohibition) is not permitted
- g) No sexually explicit language or imagery or sexually oriented conversation may be communicated by any medium
- h) Persons in Authority, Athletes and Vulnerable Participants who are not Athletes are not permitted to offer or ask one another to keep a secret for them.

### **Virtual settings**

- 5. The Rule of Two shall apply to all Vulnerable Participants in a virtual environment. Specifically:
  - a) For Vulnerable Participants under the age of 16, where possible, a parent/guardian should be present during any virtual session;
  - b) Two adult coaches should be present or one coach and one adult (parent, guardian, volunteer, club administrator). One-on-one virtual sessions are prohibited;
  - c) Coaches shall be informed by Canoe Kayak Canada and/or the Member, as applicable, of the expected standards of conduct during virtual sessions;
  - d) Parents/guardians of Vulnerable Participants shall be informed by Canoe Kayak Canada and/or the Member, as applicable, of the activities that will take place during the virtual session, as well as the process of the virtual session;
  - e) Parents/guardians of Vulnerable Participants shall provide consent to the Vulnerable Participant participating in the virtual session, if irregularly scheduled, or prior to the first session if the sessions will take place on a regular basis;
  - f) Communications during virtual sessions shall take place in an open and observable environment. Sessions must be initiated in appropriate locations (i.e., not in personal or inappropriate locations such as bedrooms);
  - g) Virtual sessions should be recorded whenever allowed by the technology being used;
  - h) Parents/guardians should debrief with Vulnerable Participants on a weekly basis regarding virtual sessions.

### **Travel**

- 6. Any travel involving Persons in Authority, Athletes and Vulnerable Participants who are not Athletes shall respect the following:

#### **Onsite**

- a) Upon arrival at the intended competition or training destination, teams or groups of Vulnerable Participants should always have at least two Persons in Authority with them; however, where this is not possible, at least one Person in Authority shall always accompany teams or groups of Vulnerable Participants and screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
- b) Persons of Authority that accompany teams or Athletes must satisfy the requirements described in the Screening Requirements Matrix in the Screening Policy for Level 2 or Level 3.
- c) For mixed gender teams or groups, there should be one Person in Authority from each gender; where this is not possible, Athletes and the parents/guardians of Vulnerable Participants will be informed by the responsible organization of alternative arrangements.

#### **Transit**

- d) Organizations responsible for organizing travel should ensure that a Person in Authority travels with Vulnerable Participants during international travel. Where this is not possible, the parent or guardian of the Vulnerable Participant shall be informed of the proposed travel arrangements for their approval. In

the event that the parent or guardian does not approve the proposed travel arrangements, they shall be responsible for determining alternative arrangements, at their own expense, to ensure that the Vulnerable Participant is accompanied during travel.

- e) No Person in Authority may drive a vehicle with a Vulnerable Participant alone unless the Person in Authority is the Vulnerable Participant's parent or guardian. This rule applies when a vehicle is required to reach a competition or training destination and when vehicle use is required upon arrival at the intended competition or training destination if transit to the destination has occurred by other means (i.e., train or airplane).
- f) If a Person in Authority is not present and an Athlete will be driving a CKC or team vehicle that will be transporting any Vulnerable Participant, the Athlete must satisfy all relevant and applicable screening requirements as described in the Screening Policy. The parent or guardian of the Vulnerable Participant shall also be provided with notification in accordance with Section 3 above.

#### **Accommodations**

- g) Except in the case of an emergency, Vulnerable Participants may not leave their accommodations after the designated curfew without a Person in Authority and, if so, this may only be done in accordance with relevant and applicable instructions or where the Vulnerable Participant has been given express permission from a Person in Authority that is also present on the trip or for the activity.
- h) Persons in Authority should be notified of any off-site trips and the time/date that Athletes expect to return to the site. However, a Vulnerable Participant may only leave the site if they have given prior notification to a Person in Authority. In such situations, the Vulnerable Participant may only leave the site if they are doing so in a group of at least three persons and they must notify a responsible Person in Authority upon their return.
- i) Athletes of mixed gender who are not Vulnerable Participants may only share accommodations if requested, agreed to by all Athletes who will share the accommodation and if approval has been provided by CKC or the responsible organization (as applicable).
- j) The parents or guardians of any Vulnerable Participant shall be given prior written notification of accommodation arrangements by the responsible organization.
- k) A Person in Authority may not share a room or be alone in a hotel room with an Athlete or a Vulnerable Participant who is not an Athlete unless the Person in Authority is the Athlete or aforementioned Vulnerable Participant's parent or guardian
- l) Room or bed checks during overnight stays must be done by two Persons in Authority
- m) For overnight travel when Athletes or Vulnerable Participants who are not Athletes must share a hotel room, roommates will be age-appropriate and of the same gender
- n) Persons in Authority shall not share bathrooms or showers with Athletes or Vulnerable Participants who are not Athletes
- o) Persons in Authority shall not meet with Athletes or Vulnerable Participants who are not Athletes in personal/private spaces, except where the Person in Authority is designated as an integrated support team (IST) staff and has received a written authorization that documents the arrangements that have been made and approved by the responsible organization. For the avoidance of doubt, any interactions between Athletes, Vulnerable Participants who are not Athletes and Persons in Authority shall take place in public spaces and shall not occur in a private space where the Rule of Two cannot be strictly satisfied.

#### **Locker Room / Changing Areas**

- 7. The following shall apply to locker rooms, changing areas, and meeting rooms:
  - a) Interactions (i.e., conversation) between Persons in Authority and Vulnerable Participants must not occur in any room where there is a reasonable expectation of privacy such as a locker room, restroom or changing area. A second adult must be present for any necessary interaction between an adult and a Vulnerable Participant in any such room. The Rule of Two must be respected.

- b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they must still be available outside the locker room or changing area and be able to enter the room or area if required, including but not limited to team communications and/or emergency

**Photography / Video**

- 8. Any photograph or video involving Athletes or Vulnerable Participants who are not Athletes shall respect the following:
  - a) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete or Vulnerable Participant (where they are not an Athlete).
  - b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
  - c) Examples of photos that shall be edited or deleted include:
    - i. Images with misplaced apparel or where undergarments are showing
    - ii. Suggestive or provocative poses
    - iii. Embarrassing images
  - d) If any photographs or videos will be used on any form of public media, an image consent form must be completed before any images are taken and used

**Physical Contact**

- 9. It is recognized that some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. In certain cases, such as injury, physical contact between a Person in Authority and a Vulnerable Participant who is not an Athlete may be necessary. Any physical contact with Athletes and Vulnerable Participants who are not Athletes shall respect the following:
  - a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that he or she is requesting to touch the Athlete or Vulnerable Participant who is not an Athlete and not requiring physical contact
  - b) Infrequent, non-intentional physical contact during a training session is permitted
  - c) Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Individuals may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying or celebrating after a performance), but this physical contact may only occur in an open and observable environment.

**Enforcement**

- 10. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to *CKC's Discipline and Complaints Policy*.

**Privacy**

- 11. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC's *Privacy Policy*.

| Policy History          |                             |
|-------------------------|-----------------------------|
| Approved                | June 2019                   |
| Next Review Date        |                             |
| Revision Approval Dates | Effective December 16, 2022 |

**CANOE KAYAK CANADA**  
**Code of Conduct and Ethics**

***This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.***

**Purpose**

1. The purpose of this *Code of Conduct and Ethics* is to ensure a safe and positive environment within the programs, activities, and Events of Canoe Kayak Canada and its Members by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values and policies. Canoe Kayak Canada and its Members support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in our sport and are treated with respect and fairness.

**Application of this *Code of Conduct and Ethics***

2. This *Code of Conduct and Ethics* applies to any Individual's conduct during the business, activities, and Events of Canoe Kayak Canada and its Members including, but not limited to, competitions, practices, evaluations (including time controls or any other form of testing), treatment or consultations (e.g., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings or social Events.
3. This *Code of Conduct and Ethics* also applies to Individuals' conduct outside of the business, activities, and Events of Canoe Kayak Canada and its Members when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of Canoe Kayak Canada or a Member. Such applicability will be determined by Canoe Kayak Canada or a Member, as applicable, at its sole discretion.
4. This *Code of Conduct and Ethics* applies to Individuals active in the sport of canoe kayak or who have retired from the sport of canoe kayak where any claim regarding a potential breach of this *Code of Conduct and Ethics* occurred when the Individual was active in the sport.
5. In addition, breaches of this *Code of Conduct and Ethics* may occur when the Individuals involved interacted due to their mutual involvement in the sport of canoe kayak or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).
6. Any Individual who violates this *Code of Conduct and Ethics* may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this *Code of Conduct and Ethics* during a competition may be removed from the competition or training area, and the Individual may be subject to further sanctions.

**UCCMS**

7. CKC has adopted the UCCMS which shall be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the SDRCC shall come into effect immediately and automatically upon their adoption by the SDRCC, without the need for any further action by CKC or any of its Members.

## **Responsibilities**

8. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of other Individuals by:
    - i. Treating each other with the highest standards of respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other participants;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
    - iv. Acting to correct or prevent practices that are unjustly discriminatory;
    - v. Consistently treating individuals fairly and reasonably; and
    - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
  - b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment or Prohibited Behaviour
  - c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
  - d) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or Events of Canoe Kayak Canada or a Member or while representing Canoe Kayak Canada or a Member at any such activities or Events;
  - e) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or Event;
  - f) In the case of adults, not consume cannabis in the Workplace or in any situation associated with an Event(subject to any requirements for accommodation), not consume alcohol during competitions and in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations
  - g) Respect the property of others and not wilfully cause damage
  - h) Promote sport in the most constructive and positive manner possible
  - i) When driving a vehicle or motor boat:
    - i. Not have his or her license suspended;
    - ii. Obey traffic laws and marine regulations at all times;
    - iii. Not be under the influence of alcohol, cannabis or illegal drugs or intoxicating substances;
    - iv. Have valid insurance; and
    - v. Refrain from engaging in any activity that would constitute distracted driving.
  - j) Adhere to all federal, provincial, municipal and host country laws
  - k) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition, para-classification, and/or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition. A benefit includes the direct or indirect receipt of money or other anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages
  - l) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of Canoe Kayak Canada and its Members, and those of any other sport organization with authority over the individual, as applicable and as adopted and amended from time to time

## **Directors, Committee Members, and Employees**

9. In addition to section 8 (above), directors, committee members, and employees of Canoe Kayak Canada and its Members will have additional responsibilities to:
  - a) When performing their role as a director or committee member or employee of Canoe Kayak Canada or a Member (as applicable), ensure that they respect their duty of loyalty to Canoe Kayak Canada or the Member (as applicable) and refrain from engaging in any activity or behaviour that could constitute a conflict of interest
  - b) Ensure their loyalty prioritizes the interests of Canoe Kayak Canada or the Member (as applicable)

- c) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of Individuals' confidence
- d) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
- e) Comply with the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process
- f) Conduct themselves openly, professionally, lawfully and in good faith
- g) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
- h) Behave with decorum appropriate to both circumstance and position
- i) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
- j) Respect the confidentiality appropriate to issues of a sensitive nature
- k) Respect the decisions of the majority and resign if unable to do so
- l) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
- m) Have knowledge and understanding of all relevant policies and procedures

### **Coaches and Instructors**

10. In addition to section 8 (above), coaches and instructors have many additional responsibilities. The coach-Athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the Athlete. Coaches must understand and respect the inherent Power Imbalance that exists in this relationship and must not abuse it, either consciously or unintentionally. Coaches and instructors will:
- a) Avoid any behaviour that abuses the Power Imbalance inherent to their position as a coach
  - b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes
  - c) Prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes
  - d) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals (where applicable) in the diagnosis, treatment, and management of Athletes' medical and psychological treatments
  - e) Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs
  - f) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate
  - g) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete
  - h) Act in the best interest of the Athlete's development as a whole person
  - a) Comply with the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process
  - i) Comply with all established responsibilities and obligations as set out by the coach's professional governing body, if any
  - j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or Prohibited Substances or Prohibited Methods and, in the case of minors, alcohol, cannabis, and/or tobacco
  - k) Respect Athletes competing for other clubs, provinces or countries and, in dealings with them, not discuss topics or take actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes

- l) Where a Power Imbalance exists, not engage in a sexual or intimate relationship with an Athlete of any age
- m) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- n) Dress appropriately
- o) Use inoffensive language and take the audience being addressed into account (e.g., the age/maturity of the participants)

### **Athletes**

11. In addition to section 8 (above), Athletes will have additional responsibilities to:

- a) Adhere to their athlete agreement (if applicable)
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete
- c) Where required, comply with the *Screening Policy*, including understanding ongoing expectations under the Screening Policy and fully cooperating in the screening process
- d) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations (including time controls or any other form of testing)
- e) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
- f) Adhere to any rules and requirements regarding clothing and equipment
- g) Dress to represent the sport and themselves appropriately
- h) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

12. In addition to section 8 (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and any rule changes
- b) Not publicly criticize any Individual
- c) Place the safety and welfare of competitors, and the fairness of the competition above all else
- d) Strive to provide a fair sporting environment
- e) Respect the terms of any agreement that they enter into with CKC and/or a Member
- f) Work within the boundaries of their position's description while supporting the work of other officials
- g) Act as an ambassador of the sport of paddling by agreeing to enforce and abide by all national and provincial rules and regulations
- h) Take ownership of actions and decisions made while officiating
- i) Respect the rights, dignity, and worth of all Individuals
- j) Act openly, impartially, professionally, lawfully, and in good faith
- k) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- l) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals
- m) Comply with the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process
- n) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the Member at the earliest possible time
- o) When writing reports, set out the actual facts to the best of their knowledge and recollection
- p) Dress appropriately for officiating

- q) Where applicable, adhere at all times to the rules of the International Canoe Federation, as well as the rules of any other sport organization that has relevant and applicable authority over the official

### **Parents/Guardians and Spectators**

13. In addition to section 8 (above), parents/guardians and spectators at Events will, at all times:
- a) Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
  - b) Condemn the use of violence in any form
  - c) Never ridicule a participant during a competition or practice
  - d) Respect the decisions and judgments of officials, and encourage Athletes to do the same
  - e) Support all efforts to eliminate verbal and physical abuse, coercion, intimidation, and sarcasm
  - f) Respect all competitors, coaches, officials, Event staff or volunteers
  - g) Never harass competitors, coaches, officials, parents/guardians, Event staff, or other spectators

### **Members**

14. Members must:
- a) Adhere to all of CKC's governing documents and policies, and, when required, amend their own rules to comply or align with those of CKC.
  - b) Pay all required dues and fees by the prescribed deadlines.
  - c) Ensure that all Athletes and coaches participating in sanctioned competitions and Events of CKC are registered and in good standing.
  - d) Appropriately screen prospective employees to help ensure Athletes have a healthy and safe sport environment.
  - e) Ensure that any possible or actual misconduct is investigated promptly and thoroughly.
  - f) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated in accordance with the Member's relevant and applicable policies.
  - g) Advise CKC immediately of any situation where a Complainant has publicized a complaint in the media (including social media).
  - h) Provide CKC with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals.
  - i) Implement any decisions and disciplinary sanctions imposed pursuant to CKC or any other Member's discipline process

### **Anti-Doping<sup>4</sup>**

15. All Individuals shall:
- a) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force. More specifically, Canoe Kayak Canada and its Members adopt and adhere to the Canadian Anti-Doping Program. Canoe Kayak Canada and its Members will respect any sanction imposed on an Individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules
  - b) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules

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<sup>4</sup> Any capitalized terms used in this *Code of Conduct and Ethics* shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.



- c) Cooperate with any Anti-Doping Organization that is conducting an investigation into any Anti-Doping Rule violation(s)
- d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program

16. All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under Canoe Kayak Canada or a Member’s jurisdiction.

**Retaliation, Retribution or Reprisal**

17. It is a breach of this *Code of Conduct and Ethics* for any Individual to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Individual from filing, in good faith, a complaint pursuant to any Canoe Kayak Canada or Member policy. It is also a breach of this *Code of Conduct and Ethics* for an Individual to file a Report for the purpose of retaliation, retribution or reprisal against any other Individual. Any Individual found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

**Privacy**

18. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC’s *Privacy Policy*.

| <b>Policy History</b>   |                                    |
|-------------------------|------------------------------------|
| Approved                | <b>June 2019</b>                   |
| Next Review Date        |                                    |
| Revision Approval Dates | <b>Effective December 16, 2022</b> |

CANOE KAYAK CANADA  
DISCIPLINE AND COMPLAINTS POLICY

***This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.***

**Purpose**

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, Bylaws, rules and regulations of Canoe Kayak Canada and its Members, 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 CKC'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 Canoe Kayak Canada and its Members (as applicable) including, but not limited to, competitions, on and off water training, evaluations (including time controls or any other form of testing), treatment or consultations (e.g., massage therapy), training camps, travel associated with Canoe Kayak Canada or Member activities, and any meetings.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and Events of Canoe Kayak Canada and its Members (as applicable) when such conduct adversely affects CKC and/or the Member's relationships (and the work and sport environment) or is detrimental to the image and reputation of Canoe Kayak Canada or a Member, or upon the acceptance of Canoe Kayak Canada or a Member.
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 canoe kayak 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 canoe kayak 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 Canoe Kayak Canada or Member 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 Discipline and Complaints 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.

6. In addition to being subject to disciplinary action pursuant to this Discipline and Complaints Policy, an employee of Canoe Kayak Canada or a Member who is a Respondent to a complaint may also be subject to

consequences in accordance with the employee's employment agreement, if applicable, or any CKC human resources policy or other applicable policies.

7. CKC and its Members 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. 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 12-14 below must also Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.
9. Communication from the Independent Third Party, Case Manager, Discipline Chair or discipline panel, as applicable, must be directed to the Minor's representative.
10. If the Minor's adult representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
11. A Minor is not required to attend an oral hearing, if held, or participate in an investigation if conducted; however, the Minor's representative may attend the hearing. In such circumstances, no adverse inference can be drawn against the Minor.

### **Reporting a Complaint**

#### UCCMS Participants

12. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred after or continued as of December 16, 2022, involving a UCCMS Participant must be reported to the OSIC [\[link\]](#) and will be addressed pursuant to the OSIC's policies and procedures.
13. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before December 16, 2022, 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 the NSO as a UCCMS Participant.
14. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall direct the Individual(s) to Report the allegations to the OSIC or, with the written consent of the Individuals that made the Report, refer the matter to the OSIC, in accordance with the Introduction section of this Policy Manual.

#### Individuals

15. Any complaints involving alleged breaches of CKC or a Member's policies by an Individual that do not fall within Sections 12 or 13 above must be Reported in writing by an Individual (or Individuals) to the Independent

Third Party within fourteen (14) days of the occurrence of the incident.<sup>5</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 15.

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 Canoe Kayak Canada take carriage of the complaint and act as the Complainant pursuant to Section 25 below.
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.

#### **Independent Third Party Responsibilities**

18. 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 15 above; and
  - whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.<sup>6</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 20-24 below and notify the Parties accordingly that the Reported complaint has been accepted.

19. 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 12-14 above, 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.
20. If a Reported complaint has been accepted by the Independent Third Party pursuant to Section 18 above, the Independent Third Party shall determine whether the Reported incident has occurred within the Club, the Provincial/Territorial Organization (or, where applicable, Division) or Canoe Kayak Canada'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

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<sup>5</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>6</sup> As indicated in the SDRCC'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.

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.

21. 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 22 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 20 below will be handled by the Club's Provincial/Territorial Organization (or, where applicable, Division).
22. The Independent Third Party shall direct a Reported complaint to be managed by the Discipline Chair of a Club, Provincial/Territorial Organization (or, where applicable, Division)<sup>7</sup> or Canoe Kayak Canada (as applicable pursuant to Sections 20 and 21 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 23 below
  - iii. Conduct contrary to the values of Canoe Kayak Canada or the Member
  - iv. Non-compliance with Canoe Kayak Canada or the Member's policies, procedures, rules, or regulations
  - v. Alleged violations of the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy or Event Discipline Policy* that do not fall within Section 20 below.
23. The Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by the relevant Provincial/Territorial Organization (or, where applicable, Division) or Canoe Kayak Canada (as applicable pursuant to Sections 20 and 21 above but subject to Sections 12-14) 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 or Harassment, or Workplace 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 Canoe Kayak Canada or the Member's image, credibility, or reputation
  - ix. Consistent disregard for Canoe Kayak Canada or the Member's bylaws, policies, rules, and regulations
  - x. Major or repeated violations of the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy or Event Discipline Policy*
  - xi. Intentionally damaging Canoe Kayak Canada or the Member's property or improperly handling the organization's monies

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<sup>7</sup> CKC recognizes that, due to limited human or financial resources, Clubs, Provincial/Territorial Organizations and/or Divisions may establish pools of Discipline Chairs to handle cases under this Policy.

- 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
24. In exceptional circumstances, the Independent Third Party may request that Canoe Kayak Canada manage a Reported complaint if a Club or Provincial/Territorial Organization (or, where applicable, Division) 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 or jurisdiction to address the Reported complaint. In such circumstances, Canoe Kayak Canada shall have the right to request that a cost-sharing agreement be entered into with the Club or Provincial/Territorial Organization (or Division, where applicable) as a pre-condition to Canoe Kayak Canada managing the Reported complaint.
25. Notwithstanding any provision in this Policy, Canoe Kayak Canada 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, Canoe Kayak Canada or the Member (as applicable) will identify an individual to represent the organization, unless Canoe Kayak Canada is acting as the Complainant pursuant to Section 16.
26. Where the Independent Third Party refers a matter to be managed by a Member, or where a Member or affiliated organization is otherwise responsible for managing a matter, and the Member fails to conduct disciplinary proceedings within a reasonable timeline, Canoe Kayak Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Discipline Chair or discipline panel decides that Canoe Kayak Canada acted reasonably in taking jurisdiction over the matter, Canoe Kayak Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member to Canoe Kayak Canada.

### **Investigations**

27. 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 – Discrimination, Harassment and Maltreatment 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 *Athlete Protection Policy*, or any other relevant and applicable Canoe Kayak Canada or Member policy, or whether the allegations frivolous, vexatious or made in bad faith;<sup>8</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

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<sup>8</sup> Please see footnote 2, modified accordingly for the circumstances of an investigation.

circumstances, a Provisional Suspension and/or interim measures may be imposed in accordance with Sections 28-32 below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 38 and below and shall inform the Parties and Canoe Kayak Canada or the Member (as applicable).

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 18, the matter shall proceed pursuant to Sections 41 and following below.

### **PROVISIONAL SUSPENSIONS**

28. 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 Independent Third Party, who may consult with CKC or the relevant Member (where applicable), after which further discipline or sanctions may be applied according to this Policy.
29. 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 Independent Third Party.<sup>9</sup>
30. Notwithstanding the above, CKC, the Member, or the Independent Third Party (as applicable) 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 OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
31. 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, CKC or the Member (as applicable) 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.
32. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

### **Complaint Handled by Discipline Chair**

33. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Discipline Chair pursuant to Section 22 above, the Club, Provincial/Territorial Organization (or, where applicable, Division) or Canoe Kayak Canada (as applicable) will appoint a Discipline Chair. The Discipline Chair appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation. The Club, Provincial/Territorial Organization (or, where applicable, Division) or Canoe Kayak Canada shall, as applicable, be responsible for any costs related to complaints handled by the Discipline Chair.

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<sup>9</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 Code.

34. The Discipline Chair 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 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).
35. 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 Discipline Chair involves a Complainant who wishes to keep their identity confidential, the Discipline Chair 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.
36. Following receipt of the Parties' submissions, the Discipline Chair 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 Discipline Chair, to allow the Parties to ask questions of one another.
37. Following their review of the submissions and evidence related to the Reported complaint or incident, the Discipline Chair 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 Canoe Kayak Canada or the Member (as applicable)
  - d) Removal of certain privileges
  - e) Suspension from certain teams, Events, and/or activities
  - f) Suspension from certain activities for a designated period
  - g) Any other sanction considered appropriate for the offense
  - h) Education or training opportunities

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

38. The Discipline Chair 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 Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
39. Any decision rendered by the Discipline Chair shall be provided to and maintained in the records of the relevant Club, Provincial/Territorial Organization (or, where applicable, Division) and Canoe Kayak 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.
40. The Discipline Chair's decision may be appealed in accordance with the *Appeal Policy*.

#### **Handled by Discipline Panel**

##### **Case Manager**

41. If the Independent Third Party determines that the complaint or incident should be handled by the relevant Provincial/Territorial Organization (or, where applicable, Division) pursuant to Section 23 above, that Provincial/Territorial Organization (or Division, if applicable) 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 the Provincial/Territorial Organization's Case Manager (or, if applicable, the Division's Case Manager). The Provincial/Territorial Organization (or, where applicable, Division) or Canoe Kayak Canada shall, as applicable, be responsible for any costs related to complaints handled by a Discipline Panel, including the costs of the Case Manager.

42. If the Independent Third Party determines that the complaint or incident should be handled by Canoe Kayak Canada, Canoe Kayak Canada shall appoint a Case Manager, who has not had any previous involvement in the matter and who is not in a conflict of interest, 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 the relevant Provincial/Territorial Organization (or Division, if applicable) or Canoe Kayak Canada (as applicable) pursuant to Section 23 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
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of CKC, any Member or any other sport organization that had authority over the Respondent

#### **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 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.
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 Canoe Kayak Canada and/or the Member 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) If not a Party, Canoe Kayak 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 discipline panel, Canoe Kayak 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 panel to render its decision<sup>10</sup>
  - f) The discipline panel may request that any other individual participate and give evidence at the hearing
  - 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:
    - 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
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.

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**

52. 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.
53. 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 Canoe Kayak Canada and the Member (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.
54. 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 Canoe Kayak Canada, all of its Members and any Individuals involved.

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<sup>10</sup> The purpose of this provision is not to provide Canoe Kayak 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 Canoe Kayak Canada or a Member 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.

55. Subject to Section 56 below, and unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Canoe Kayak Canada 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. 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 CKC or one of its Members. Additionally, where Canoe Kayak Canada acts as the Complainant under Section 16 above, only Canoe Kayak Canada, and not the original Complainant, shall be identified as an involved Individual.
56. If the discipline panel dismisses the Reported complaint, the information referred to in Section 55 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 55 above will be kept confidential by the Parties, the Case Manager, Canoe Kayak 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 *Discipline and Complaints Policy*.
57. The Case Manager shall communicate decisions rendered pursuant to this Policy to Canoe Kayak Canada, 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 Canoe Kayak Canada and its Members in accordance with their respective privacy policies.
58. 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 Canoe Kayak Canada (or a Member)'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**

59. 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 of Canoe Kayak Canada or the relevant Member;
- 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.

60. 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.

61. 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* 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 the UCCMS
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* 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 Canoe Kayak Canada 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 Canoe Kayak 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

62. 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.

63. 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 Canoe Kayak Canada 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

64. 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 Canoe Kayak Canada, any Member or any other sport organization that had authority over the Respondent.

65. Failure to comply with a sanction as determined by the discipline panel will result in an automatic suspension from participation in the activities of Canoe Kayak Canada and its Members until such time as compliance occurs.

66. Records of all decisions will be maintained by Canoe Kayak Canada and the Member (as applicable). Members will submit all records to Canoe Kayak Canada. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

#### **OSIC SANCTION**

67. As a Program Signatory to the OSIC, Canoe Kayak Canada will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes will be implemented and respected within Canoe Kayak

Canada’s jurisdiction (including at the provincial, territorial and club level), once Canoe Kayak Canada receives appropriate notice of any sanction or measure from the OSIC.

### Appeals

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

### Confidentiality

69. The discipline and complaints process is confidential and involves only Canoe Kayak Canada (CEO and relevant staff as determined by the CEO), the applicable Member(s), the Parties, the Independent Third Party, the investigator (if applicable), the Case Manager, the Discipline Chair, the discipline panel, and any independent advisors to the discipline panel.

70. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 69 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Canoe Kayak Canada 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.

71. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or discipline panel (as applicable) against the Party(ies) in breach.

### Timelines

72. 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 discipline panel may direct that these timelines be revised.

### Statistical Reporting

73. CKC and Members 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 CKC and Members), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the 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

74. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC’s Privacy Policy.

75. CKC, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, investigator (if applicable), Case Manager, Discipline Chair, discipline panel), shall comply with CKC’s Privacy Policy (or, in the case if a Member, the Member’s Privacy Policy) in the performance of their services under this Policy.

| Policy History          |                             |
|-------------------------|-----------------------------|
| Approved                | June 2019                   |
| Next Review Date        |                             |
| Revision Approval Dates | Effective December 16, 2022 |

CANOE KAYAK CANADA

INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, MALTREATMENT AND PROHIBITED BEHAVIOUR

*This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.*

**Purpose**

1. The purpose of this Policy is to address how investigations will be conducted when necessary and as determined by the Independent Third Party pursuant to the *Discipline and Complaints Policy*.
2. Investigations shall only be conducted when 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 the *Discipline and Complaints Policy* because they constitute, if found to be true, a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Canoe Kayak Canada or Member policy, or whether the allegation(s) are frivolous, vexatious or made in bad faith.

**Investigation**

3. The Independent Third Party shall appoint the investigator, taking into consideration the financial resources of Canoe Kayak Canada or the Member (as applicable).
4. The investigator must be an independent third-party with training or investigation experience. The investigator must not be in a conflict of interest situation and should have no connection to either Party.
5. Federal and/or Provincial legislation related to Workplace Harassment or Workplace Violence may apply to the investigation if Harassment/Violence was directed toward a worker 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 Reported complaint.
6. The investigation may take any form as decided by the investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Interviews with the Complainant(s);
  - b) Witness interviews; and
  - c) Interviews with the Respondent(s).

**Investigator's Report**

7. Upon completion of their investigation, the investigator shall prepare a report that includes a summary of evidence from the Parties and any witnesses interviewed. The report shall include an executive summary, which Canoe Kayak Canada or the Member (as applicable) may share separately from the full report with the Parties.
8. The investigator's report shall contain a non-binding opinion regarding whether an allegation (or, where there are several allegations, which allegations) should be heard by a discipline panel pursuant to the *Discipline and Complaints Policy* because they constitute, if found to be true, a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Canoe Kayak Canada or Member policy, or whether the allegation(s) are frivolous, vexatious or

made in bad faith.<sup>11</sup> The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).

9. Where necessary to protect the identity of any person that participated in the investigation, the investigator may redact names and anonymize any witness testimony that may result in the identification of the individual.
10. The investigator's report will be provided to the Independent Third Party who will disclose it to Canoe Kayak Canada or the Member (as applicable), which may disclose, at its discretion, either the full report or only the executive summary to the Parties. If necessary, and at the discretion of the Independent Third Party, other relevant Parties may be provided with an executive summary of the investigator's findings. Canoe Kayak Canada will be provided with a copy of the investigator's full report if the investigation has been conducted under the authority of the Member; however, Canoe Kayak Canada shall not disclose the report to any third party without the Member's express written consent.
11. The investigator's report shall be used for the purposes described in this Policy and in Section 27 of the *Discipline and Complaints Policy*.
12. The investigation report and any executive summary shall remain confidential once disclosed to the Member, Canoe Kayak Canada, the Complainant and Respondent or any other relevant party. Any failure to respect this provision may be subject to a complaint and disciplinary measures being taken pursuant to the *Discipline and Complaints Policy*.
13. Should the investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the investigator shall advise the Complainant, Canoe Kayak Canada or the Member to refer the matter to police.
14. The investigator must also inform Canoe Kayak Canada and the Member of any findings of criminal activity. Canoe Kayak Canada and the Member may decide whether to report such findings to police but are required to inform the 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, or any suspected abuse of a Minor, fraud against Canoe Kayak Canada or any Member(s) (as applicable), or other offences where the lack of reporting would bring Canoe Kayak Canada or the Member (as applicable) into disrepute.

### **Reprisal and Retaliation**

15. An Individual who Reports 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 and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

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<sup>11</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 investigator 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.



### **False Allegations**

16. An Individual who submits allegations that the investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Prohibited Behaviour) may be subject to a complaint under the terms of the *Discipline and Complaints Policy*. The investigator may recommend to Canoe Kayak Canada or the Member (as applicable) that the Individual be required to pay for the costs of any investigation that comes to this conclusion. Any 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 Canoe Kayak Canada and Member Events, activities or business. Canoe Kayak 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 16.

### **Confidentiality**

17. The investigator will protect confidentiality to the extent possible and shall only share information on a need-to-know basis. However, the investigator may need to share information in order to ensure that natural justice has been served.

### **Privacy**

18. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC's Privacy Policy.
19. CKC, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, the investigator), shall comply with CKC's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

| <b>Policy History</b>   |                                    |
|-------------------------|------------------------------------|
| Approved                | <b>June 2019</b>                   |
| Next Review Date        |                                    |
| Revision Approval Dates | <b>Effective December 16, 2022</b> |

**CANOE KAYAK CANADA**  
**DISPUTE RESOLUTION POLICY**

***This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.***

**Purpose**

1. Canoe Kayak Canada and its Members support the principles of Alternate Dispute Resolution (ADR) and are committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. Canoe Kayak Canada and its Members encourage all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Canoe Kayak Canada and its Members believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

**Application of this Policy**

3. This Policy applies to all Individuals.
4. Opportunities for ADR may be pursued at any point in a dispute when all Parties to the dispute agree that such a course of action would be mutually beneficial.

**Facilitation and Mediation**

5. If all Parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all Parties, shall be appointed to mediate or facilitate the dispute. The costs of the mediation or facilitation shall be borne by the Parties, unless agreed to otherwise with Canoe Kayak Canada or the relevant Member (as applicable).
6. Where Canoe Kayak Canada is involved in the matter, it may, upon agreement of the Parties, refer the matter for mediation using the mediation services of the SDRCC.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the Parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the settlement shall be reported to Canoe Kayak Canada or the Member (as applicable). Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated settlement. Where Canoe Kayak Canada may be required to implement any part of a negotiated settlement, it shall become a Party to the mediation or it shall be given the opportunity to approve the negotiated settlement, but only with respect to aspects of the settlement that it may be required to implement.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the Parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

**Final and Binding**

- 10. The terms of any negotiated settlement will be binding on the Parties and shall remain confidential, unless otherwise agreed to by the Parties, and will be protected by CKC and/or the Member’s Privacy Policy, as applicable. Negotiated settlements may not be appealed.
- 11. No action or legal proceeding will be commenced against Canoe Kayak Canada or a Member in respect of a dispute, unless Canoe Kayak Canada or the Member has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

**Privacy**

- 12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC’s Privacy Policy.
- 13. CKC, its Members, or any of their delegates pursuant to this Policy, shall comply with CKC’s Privacy Policy (or, in the case if a Member, the Member’s Privacy Policy) in the performance of their services under this Policy.

| <b>Policy History</b>   |                                    |
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CANOE KAYAK CANADA

APPEAL POLICY

*This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.*

**Purpose**

1. This *Appeal Policy* provides Individuals with a fair, affordable, and expedient appeal process.

**Scope and Application of this Policy**

2. This Policy applies to all Individuals. However, it does not apply to appeals of decisions that were managed by the OSIC, which shall be handled in accordance with the policies and procedures of the OSIC or the Director of Sanctions and Outcomes, as applicable.
3. Subject to Section 2, any Individual who is directly affected by a decision taken by Canoe Kayak Canada or a Member (as applicable) specifically with regard to that Individual, including a decision by the Board, by any Committee of the Board, or by any body or individual within CKC or the Member (as applicable) who has been delegated authority to make decisions in accordance with CKC or a Member's By Laws and governance policies (as applicable), shall have the right to appeal that decision provided that it is a decision that is subject to appeal pursuant to Section 4 of this Policy, that the conditions indicated in Sections 6 or 7 of this Policy (as applicable) have been satisfied, and provided that there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of interest
  - d) Disciplinary decisions made pursuant to Canoe Kayak Canada or a Member's relevant and applicable policies
  - e) Membership
5. This Policy **will not apply** to the following decisions relating to:
  - a) Reported complaints that were managed by the OSIC;
  - b) Matters of general application such as amendments to Canoe Kayak Canada or a Member's Bylaws;
  - c) Employment matters or matters of operational structure or staffing or volunteer leadership opportunities
  - d) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program by the Canadian Centre for Ethics in Sport, the International Canoe Federation or any other Anti-Doping Organization with authority to pursue a doping offence
  - e) The rules of the sport
  - f) Selection criteria, quotas, policies, and procedures established by entities other than Canoe Kayak Canada or a Member (as applicable)
  - g) Substance, content and establishment of team selection or carding criteria
  - h) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - i) Budgeting and budget implementation
  - j) Canoe Kayak Canada or a Member's operational structure and committee appointments

- k) Except as otherwise provided for in this *Appeal Policy*, decisions made by organizations other than Canoe Kayak Canada, such as Canoe Kayak Canada's Members, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), U Sports, the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the International Canoe Federation (ICF) or the Fédération Internationale du Sport Universitaire (FISU) or any other governing body
- l) Commercial or contractual matters between Canoe Kayak Canada and its staff or Members for which another dispute resolution process exists under the provisions of the applicable contract
- m) Decisions made under this Policy
- n) Settlements negotiated pursuant to the *Dispute Resolution Policy*

### **Timing of Appeal**

6. Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision<sup>12</sup> to submit to the Independent Third Party or, for appeals filed pursuant to Sections 10, 14 or 17, the CEO (or equivalent position of a Member, where applicable) the following:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name of the Respondent and any Affected Parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of the decision if a written document is not available
  - f) Grounds and detailed reasons for the appeal
  - g) All evidence that supports these grounds
  - h) Requested remedy or remedies
  - i) An administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld
7. An Individual who wishes to initiate an appeal beyond the seven (7) day period may only do so if exceptional circumstances prevented them from filing their appeal within the deadline indicated in Section 6 above. Any such Individual must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager.

### **Grounds for Appeal**

8. A decision cannot be appealed on its merits alone or because an Individual (or Individuals) do not like or agree with a decision. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents);
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or
  - d) Made a decision that was grossly unreasonable or unfair.

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<sup>12</sup> CKC (or its delegate) may notify decisions via the following means: email to the Individual's most recent email address that it has on file; publication on CKC's website, or other electronic means that permit direct communication with the Individual, such as WhatsApp. In such circumstances, notification shall be deemed to have been received on the date that CKC publishes notification of the decision on its website and/or, as applicable, the date on which the Individual is sent the decision via email or the other electronic means.

9. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 8 of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker. Decisions under appeal shall remain in effect unless the appeal panel or the SDRCC orders otherwise.

### **Submitting an Appeal**

#### **Discipline Chair Decision – Clubs**

10. A decision made by a Club Discipline Chair pursuant to the *Discipline and Complaints Policy* may be appealed to the Club's Provincial/Territorial Organization (or, where applicable, Division) in accordance with this *Appeal Policy*, applied and modified according to the circumstances.
11. The Provincial/Territorial Organization (or Division, if applicable) shall appoint an Appeal Manager and shall follow the process outlined in Sections 25 and following of this *Appeal Policy*, applied and modified according to the circumstances.
12. Notwithstanding the aforementioned or any provision that says otherwise in this *Appeal Policy*, the Appeal Manager may only appoint a single member as the Appeal Panel, unless the Provincial/Territorial Organization (or Division, if applicable) agrees otherwise. Further, any fees (for example, the mediator's fees) related to the use of the *Dispute Resolution Policy* shall be the responsibility of the Parties to the appeal and not the Club or the Provincial/Territorial Organization (or Division, if applicable).
13. Any decision by the Provincial/Territorial Organization's Appeal Panel (or, where applicable, Division's Appeal Panel) in relation to an appeal filed pursuant to Section 10 shall be final and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the SDRCC on a fee-for-service basis. Notwithstanding the aforementioned, CKC may appeal the Provincial/Territorial Organization (or, where applicable, Division) Appeal Panel's decision to the SDRCC.

#### **Discipline Chair Decision – Division or Provincial/Territorial Organizations**

14. A decision made by a Provincial/Territorial Organization's Discipline Chair (or, where applicable, Division's Discipline Chair) pursuant to the *Discipline and Complaints Policy* may be appealed before the Provincial/Territorial Organization's Appeal Panel (or, where applicable, Division's Appeal Panel) in accordance with the terms of this *Appeal Policy*.
15. The Provincial/Territorial Organization (or, where applicable, Division) shall appoint an Appeal Manager and shall follow the process outlined in Sections 25 and following of this *Appeal Policy*.
16. Any decision by the Provincial/Territorial Organization's Appeal Panel (or, where applicable, Division's Appeal Panel) in relation to an appeal filed pursuant to Section 14 above shall be final and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the SDRCC on a fee-for-service basis. Notwithstanding the aforementioned, CKC may appeal the Provincial/Territorial Organization (or, where applicable, Division) Appeal Panel's decision to the SDRCC.

#### **Discipline Panel Decision – Division or Provincial/Territorial Organizations**

17. A decision made by a Provincial/Territorial Organization (or, where applicable, Division)'s Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed before the Provincial/Territorial Organization (or, where applicable, Division)'s Appeal Panel in accordance with the terms of this *Appeal Policy*.
18. The Provincial/Territorial Organization (or, where applicable, Division) shall appoint an Appeal Manager and shall follow the process outlined in Sections 25 and following of this *Appeal Policy*.
19. Any decision by the Provincial/Territorial Organization (or, where applicable, Division)'s Appeal Panel in relation to an appeal filed pursuant to Section 17 above shall be final and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the SDRCC on a fee-for-service basis. Notwithstanding the aforementioned, CKC may appeal the Provincial/Territorial Organization (or, where applicable, Division) Appeal Panel's decision to the SDRCC.

#### **Discipline Chair Decision – Canoe Kayak Canada**

20. A decision made by Canoe Kayak's Discipline Chair pursuant to the *Discipline and Complaints Policy* may be appealed to the Canoe Kayak Canada Appeal Panel in accordance with the terms of this *Appeal Policy*. Where CKC was not a Party to the original Discipline Chair proceedings, it may appeal the Discipline Chair's decision in accordance with this *Appeal Policy*.

#### **Discipline Panel Decision – Canoe Kayak Canada**

21. A decision made by Canoe Kayak Canada's discipline panel pursuant to the *Discipline and Complaints Policy* may be appealed to the Canoe Kayak Canada Appeal Panel in accordance with the terms of this *Appeal Policy*. Where CKC was not a Party to the original disciplinary proceedings, it may appeal the discipline panel's decision in accordance with this *Appeal Policy*.

#### **Other decisions**

22. Any other decision relating to the matters indicated in Section 4 above may be appealed in accordance with this Policy. Where CKC was not the decision-maker in any of the decisions made pursuant to Section 4, it shall have a right of appeal and may appeal the decision in accordance with this *Appeal Policy*.
23. Notwithstanding any other provision in this *Appeal Policy*, by agreement between the Parties, the internal appeal process in relation to decisions made by Canoe Kayak Canada, a Case Manager, Appeal Manager, Discipline Chair or a discipline panel appointed by Canoe Kayak Canada may be bypassed, and the appeal may be heard directly before the SDRCC.
24. Except where an appeal proceeds before the SDRCC, Canoe Kayak Canada shall appoint an Appeal Manager and shall follow the process outlined in Sections 25 and following of this *Appeal Policy*, modified and applied accordingly based on the circumstances.

#### **Appointment of Appeal Manager and Screening of Appeal**

25. Canoe Kayak Canada or the Provincial/Territorial Organization (or, where applicable, Division) will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the Parties) who has the following responsibilities:
  - a) To determine if the appeal falls under the scope of this *Appeal Policy* (Sections 2-5)
  - b) To determine if the appeal was submitted in a timely manner (Sections 6 and 7)
  - c) To decide whether there are sufficient grounds for the appeal (Section 8)

26. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this *Appeal Policy*, the Appellant will be notified, in writing, of the reasons for this decision.
27. If the Appeal Manager accepts an appeal because it falls under the scope of this *Appeal Policy*, there are sufficient grounds and it was submitted in a timely manner, the Appeal Manager will notify the Parties of their decision in writing and will follow the steps described hereunder.
28. The Parties may attempt resolve the appeal through the *Dispute Resolution Policy*. Appeals resolved under the *Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant, unless the Parties agree otherwise.

#### **Appointment of Appeal Panel**

29. If an appeal is accepted, the Appeal Manager will appoint an appeal panel which shall consist of a single member to hear the appeal. However, at the discretion of the Appeal Manager, an appeal panel composed of three members may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the panel's members to serve as the chair.
30. When appointing the appeal panel, the Appeal Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), and who do not have any direct relationship with any of the Parties. Although not a strict requirement, the Appeal Manager should attempt to appoint individuals to the appeal panel who have a legal background and who understand the sport of canoe kayak (and, where relevant, the specific discipline). When justified by the circumstances, the Appeal Manager may appoint individuals to the appeal panel who have specific areas of expertise that would assist in resolving the matter.

#### **Determination of Affected Parties**

31. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage Canoe Kayak Canada or the Member (as applicable). The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion.

#### **Procedure for Appeal Hearing**

32. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager, in collaboration with the appeal panel, shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
33. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
34. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, a hearing based on documentary submissions alone, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the appeal panel deem appropriate in the circumstances, provided that:
  - a) The hearing will be held in a timely manner within a timeline determined by the Appeal Manager
  - b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
  - c) Copies of any written documents which the Parties wish to have the appeal panel consider will be provided to all Parties in advance of the hearing



- d) The Parties may be accompanied by a representative, advisor, translator, transcription services, or legal counsel at their own expense
- e) The appeal panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
- f) The appeal panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The appeal panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
- g) 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.
- h) Any Affected Party shall be permitted to make submissions and file evidence before the appeal panel. The appeal panel's decision is binding on any Affected Party.
- i) The decision to uphold or reject the appeal will be by a majority vote of the appeal panel members, except in cases where the panel consists of a single member

35. In fulfilling its duties, the appeal panel may obtain independent advice.

#### **Appeal Decision**

36. The appeal panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the appeal panel will have no greater authority than that of the original decision-maker. The appeal panel may decide to:
- a) Reject the appeal and confirm the decision being appealed
  - b) Uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision
  - c) Uphold the appeal, in whole or in part, and vary the decision
  - d) Determine whether the costs of the appeal, excluding legal fees and legal disbursements of any Parties, may be assessed against any Party. In assessing costs, the appeal panel will take into account the nature and amount of the costs, the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.
37. The appeal panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and Canoe Kayak Canada or the Member (as applicable). In extraordinary circumstances, the appeal panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.
38. Subject to Section 39 below, unless the matter involves a Vulnerable Participant, once the deadline to appeal to the SDRCC (where applicable), as indicated in the Canadian Sport Dispute Resolution Code, has expired, Canoe Kayak Canada or the Member (as applicable) shall publish the outcome of the appeal on their website. Publication shall be limited to, where applicable, the provision(s) of any relevant policies that have been violated, the name(s) of the Individual(s) involved, the sanction(s) or order imposed, if any. Identifying information regarding Minors or Vulnerable Participants will never be published by Canoe Kayak Canada or one of its Members. Additionally, where Canoe Kayak Canada acts as the Complainant under Section 16 of the *Discipline and Complaints Policy* and any decision issued pursuant to that Policy is appealed, only Canoe Kayak Canada, and not the original Complainant, shall be identified as an involved Individual.
39. If the appeal panel dismisses the appeal, the decision may only be published, as provided for in Section 38, with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Appeal Manager, Canoe Kayak 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*.

40. Other individuals or organizations, including but not limited to, Members, shall be advised of the outcome of any decisions rendered in accordance with this *Policy*.
41. Any decision rendered pursuant to this Policy shall apply automatically to and must be respected by Canoe Kayak Canada and its Members.
42. Records of all decisions will be maintained by Canoe Kayak Canada and its Members in accordance with their respective privacy policies.
43. The appeal panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the appeal panel. The appeal panel's decision will apply automatically to CKC and all of its Members.
44. If the appeal panel dismisses the appeal, the information referred to in Section 38 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 38 above will be kept confidential by the Parties, the Case Manager, Canoe Kayak Canada and the Member 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 *Discipline and Complaints Policy*.
45. The appeal panel's decision is final and binding on the Parties, subject to any right to appeal the decision before the SDRCC in accordance with the *Canadian Sport Dispute Resolution Code*.

#### **Timelines**

46. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

#### **Confidentiality**

47. The appeals process is confidential and involves only the Parties, the Appeal Manager, the appeal panel, and any independent advisors to the panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
48. Any failure to respect the aforementioned confidentiality requirement may result in disciplinary action being taken against the Individual(s) in accordance with Canoe Kayak Canada or the Member's *Discipline and Complaints Policy*.

#### **Final and Binding**

49. No action or legal proceeding will be commenced against Canoe Kayak Canada, Members, or Individuals in respect of a dispute, unless Canoe Kayak Canada or the Member (as applicable) has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

#### **Privacy**

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

51. CKC, its Members, or any of their delegates pursuant to this Policy (i.e., Appeal Manager, appeal panel), shall comply with CKC’s Privacy Policy (or, in the case if a Member, the Member’s Privacy Policy) in the performance of their services under this Policy.

| <b>Policy History</b>   |                                    |
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CANOE KAYAK CANADA  
EVENT DISCIPLINE POLICY

***This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.***

\*\* This *Event Discipline Policy* does not supersede or replace the *Discipline and Complaints Policy* \*\*

**Purpose**

1. Canoe Kayak Canada and its Members are committed to providing a competition environment in which all Individuals are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

**Scope and Application of this Policy**

2. This Procedure will be applied to all Events sanctioned by Canoe Kayak Canada and its Members.
3. If the Event is being sanctioned by an organization other than Canoe Kayak Canada or a Member (i.e., the International Canoe Federation), the Event Discipline Procedure of the host organization will replace this procedure. Incidents involving Individuals connected with Canoe Kayak Canada and Members (such as Athletes, coaches, members, and Directors and Officers) must still be reported to the Independent Third Party to be addressed under the *Discipline and Complaints Policy*, if necessary.
4. This Procedure does not replace or supersede the *Discipline and Complaints Policy*. Instead, this Procedure works in concert with the *Discipline and Complaints Policy* by outlining, for a designated person with authority at an event sanctioned by Canoe Kayak Canada or a Member, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of the *Code of Conduct and Ethics*.
5. If an individual Canoe Kayak Canada discipline has its own specific Event discipline rules, it may apply those rules to any disciplinary matters that arise during a particular Event; provided, however, that the discipline must ensure that procedural fairness is respected for all parties involved, as outlined in this *Event Discipline Policy*.

**Misconduct During Events**

6. Incidents that violate or potentially violate the *Code of Conduct and Ethics*, which can occur during a competition, away from the area of competition, or between Parties connected to the Event, shall be reported to a designated person (usually the chief official) responsible at the Event.
7. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated the *Code of Conduct and Ethics*:
  - a) Notify the Parties involved that there has been an incident that violated or potentially violated the *Code of Conduct and Ethics*
  - b) Convene a jury of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether the *Code of Conduct and Ethics* has been violated. The designated person at the Event may serve on the jury
  - c) The jury will interview and secure statements from any witnesses to the alleged violation

- d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and Athletes involved when necessary and appropriate
  - e) The jury will secure a statement from the person(s) accused of the violation
  - f) The jury will render a decision and determine a possible penalty
  - g) The Chairperson of the jury will inform all parties of the jury's decision
8. The penalty determined by the jury may include any of the following, singularly or in combination:
- a) Oral or written warning
  - b) Oral or written reprimand
  - c) Suspension from future competitions at the Event
  - d) Ejection from the Event
  - e) Other appropriate penalty as determined by the jury
9. The jury does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the jury's decision shall be submitted to Canoe Kayak Canada or the Member (as applicable) following the conclusion of the Event. Further discipline may then be applied in accordance with the *Discipline and Complaints Policy*, if necessary.
10. Decisions made pursuant to this *Event Discipline Policy* may not be appealed.
11. This *Event Discipline Policy* does not prohibit other Individuals from reporting the same incident to the Independent Third Party to be addressed as a formal complaint under the *Discipline and Complaints Policy*.
12. Canoe Kayak Canada and its Members shall record and maintain records of all reported incidents.

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**CANOE KAYAK CANADA**  
**SOCIAL MEDIA POLICY**

***This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.***

**Preamble**

1. Canoe Kayak Canada and its Members are aware that Individual interaction and communication occurs frequently on social media. Canoe Kayak Canada and its Members caution Individuals that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

**Application of this Policy**

2. This Policy applies to all Individuals, Canoe Kayak Canada and its Members.

**Conduct and Behaviour**

3. For the avoidance of doubt, the following social media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, at Canoe Kayak Canada, at a Member, or at other individuals connected with Canoe Kayak Canada or its Members
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at an Individual, at Canoe Kayak Canada, at a Member, or at other individuals connected with Canoe Kayak Canada or its Members
  - c) Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Canoe Kayak Canada or its Members, their stakeholders, or their reputation
  - d) Inappropriate personal or sexual relationships over a social medium between Individuals who have a Power Imbalance in their interactions, such as between Athletes and coaches, Directors and Officers, Committee members and staff, officials and Athletes, etc.
  - e) Any instance of cyber-bullying or cyber-harassment between one Individual and another Individual, where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious or unwelcome behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
4. All conduct and behaviour occurring on social media may be Reported pursuant to the *Discipline and Complaints Policy*.

**Individuals' Responsibilities**

5. Individuals acknowledge that their social media activity may be viewed by anyone, including Canoe Kayak Canada, Members or other Individuals.
6. If Canoe Kayak Canada or a Member unofficially engages with an Individual in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask Canoe Kayak Canada or the Member to cease this engagement.

7. When using social media, an Individual must model appropriate behaviour befitting the Individual’s role and status in connection with Canoe Kayak Canada or the Member.
8. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the *Discipline and Complaints Policy*.
9. An Individual who believes that another Individual’s social media activity is inappropriate or may violate the policies and procedures of Canoe Kayak Canada or a Member should Report the matter in the manner outlined by the *Discipline and Complaints Policy*.

**Privacy**

10. The collection, use and disclosure of any personal information pursuant to this Policy is subject to CKC’s Privacy Policy.

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CANOE KAYAK CANADA  
SCREENING POLICY

*This Policy has been prepared by Canoe Kayak Canada and is a Pan-Canadian Policy applicable to Canoe Kayak Canada and its Members. This document cannot be modified by a Member without consultation and approval from Canoe Kayak Canada.*

**Preamble**

1. Canoe Kayak Canada and its Members understand that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice amongst sport organizations that provide programs and services to the Canadian canoe and kayak community.

**Application of this Policy**

2. This Policy applies to all individuals whose position with Canoe Kayak Canada or a Member is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Participants.
3. Not all individuals associated with Canoe Kayak Canada or a Member will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to Canoe Kayak Canada, Members, or participants. Individuals will be subject to the screening requirements described in the Screening Requirements Matrix found in **Appendix A** of this Policy and shall comply with the screening application requirements as detailed therein. For any information on how to obtain an E-PIC or a VSC, please consult the CKC Safe Sport webpage.

**Screening Committee**

4. The implementation of this Policy is the responsibility of an independent individual appointed by Canoe Kayak Canada that will function as the Screening Committee for all screening applications received pursuant to this Policy. The independent individual (hereinafter referred to as the "Screening Committee") will possess the requisite skills, knowledge, and abilities to accurately assess screening documents and to render decisions under this Policy.
5. The Screening Committee will carry out its duties in accordance with the terms of this Policy.
6. The Screening Committee is responsible for reviewing all documents submitted with a screening application and, based on the review, making decisions regarding the related appropriateness of individuals filling positions within Canoe Kayak Canada or the Member, as applicable. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

**Screening Requirements**

7. A Screening Requirements Matrix is provided as **Appendix A**. All individuals must comply with the requirements detailed therein when first engaged by Canoe Kayak Canada or a Member and shall respect the renewal requirements indicated in Section 20 below.
8. If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to Canoe Kayak Canada or the Member, as applicable. Additionally, the individual will inform the relevant organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.



If Canoe Kayak Canada or the Member learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with the *Discipline and Complaints Policy*.

### Procedure

9. A screening form is available through CKC's online database where individuals must submit screening documents that will be reviewed by the Screening Committee. This is a secure online and confidential platform administered by Canoe Kayak Canada. To complete the screening form and submit screening documents, individuals can follow the instructions that can be found on the CKC website by following this [link](#). Alternately, paper copies are available in **Appendix B** and **C**.
10. An individual who refuses or fails to provide the necessary screening documents, or makes an incomplete application, will be ineligible for the position sought. The individual will be informed by the Screening Committee that their application and/or position will not proceed until such time as the screening documents are submitted.
11. Canoe Kayak Canada and its Members understand that there may be delays in receiving the results of a CRC, an E-PIC, or a VSC. At its discretion, the organization may permit the individual to participate in the role during the delay, provided that the individual demonstrates that they have initiated the CRC, E-PIC, or VSC application process. This permission may be withdrawn at any time and for any reason.
12. Canoe Kayak Canada and its Members recognize that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted.
13. The Screening Committee will review all screening applications, including any supporting documents and shall make a decision as indicated in Section 14 below. For Level 1 screening applications, the Screening Committee will only review cases where the individual has made a declaration in their declaration form that may impact whether they can participate in the desired position. If an individual submits a Level 1 screening application and does not make any declaration on their screening disclosure form that may impact whether they can participate in the desired position, they may participate in the desired position immediately provided that they have duly submitted their screening disclosure form and can demonstrate that they have done so and have not made any adverse disclosures to the individual with authority over the position that the person is seeking. However, such screening applications will still be subject to review by the Screening Committee, and any failure to respect this section may result in disciplinary action being taken against the individual pursuant to the *Discipline and Complaints Policy*.
14. Following the review of any Level 2 and Level 3 screening applications, the Screening Committee will decide whether:
  - a) The individual has passed screening and may participate in the desired position;
  - b) The individual has passed screening and may participate in the desired position with conditions;
  - c) The individual has not passed screening and may not participate in the desired position; or
  - d) More information is required from the individual.
15. In making its decision, and where relevant, the Screening Committee will consider the type of offense, date

of offense, and relevance of the offense to the position sought.

16. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:
- a) If imposed in the last three years:
    - i. Any offense involving the use of a motor vehicle that constitutes an offense of the Criminal Code
    - ii. Any offense of assault, physical or psychological violence
    - iii. Any offense involving trafficking and/or possession of illegal drugs
    - iv. Any offense involving conduct against public morals
    - v. Any offense involving theft or fraud
  - b) If imposed at any time:
    - a. Any offense involving a Minor or Minors
    - b. Any offense involving the possession, distribution, or sale of any child-related pornography
    - c. Any sexual offense

### **Conditions and Monitoring**

17. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee may apply and remove conditions at its discretion and will determine the means by which adherence to conditions may be monitored.

### **Minors**

18. When screening Minors, Canoe Kayak Canada and its Members will:
- a) Not require the Minor to obtain a VSC or E-PIC, unless permitted by law; and
  - b) In lieu of obtaining a VSC or E-PIC, require the Minor to submit up to two (2) additional references.
19. Notwithstanding the above, Canoe Kayak Canada or a Member may ask a Minor to obtain a VSC or E-PIC/CRC if the organization suspects the Minor has an adult conviction and therefore has a criminal record. In these circumstances, the organization will be clear in its request that it is not asking for the Minor's youth record. Canoe Kayak Canada and its Members understand that they may not request to see a Minor's youth record.

### **Renewal**

20. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC/CRC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:
- a) An E-PIC every three years
  - b) A Screening Disclosure Form every three years
  - c) A Screening Renewal Form every year
  - d) A Vulnerable Sector Check once
21. The Screening Committee may request that an individual provide any of the above documents at any time. Such request will be in writing and reasons will be provided for the request.

### **Orientation, Training, and Monitoring**

22. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the discretion of Canoe Kayak Canada or the Member, as applicable.

23. Orientation may include, but is not limited to: introductory presentations, facility tours, safe sport policy training, equipment demonstrations, parent/Athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
24. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
25. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training.
26. Monitoring may include but is not limited to: written or oral reports, observations, evaluations, tracking, electronic surveillance, and site visits.
27. Individuals must complete training every two years.

**Records**

28. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings. This includes protecting all records in accordance with the relevant and applicable privacy legislation.
29. The records kept as part of the screening process include but are not limited to:
  - a) An individual’s VSC
  - b) An individual’s E-PIC/CRC (for a period of three years)
  - c) An individual’s Screening Disclosure Form (for a period of three years)
  - d) An individual’s Screening Renewal Form (for a period of one year)
  - e) Records of any conditions attached to an individual’s registration by the Screening Committee
  - f) Records of any discipline applied to any individual by Canoe Kayak Canada, by a Member, or by another sport organization

**Privacy**

30. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Canoe Kayak Canada’s Privacy Policy.
31. Canoe Kayak Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Screening Committee), shall comply with Canoe Kayak Canada’s Privacy Policy (or, in the case if a Member, the Member’s Privacy Policy) in the performance of their services under this Policy.

| <b>Policy History</b>   |                                    |
|-------------------------|------------------------------------|
| Approved                | <b>June 2019</b>                   |
| Next Review Date        |                                    |
| Revision Approval Dates | <b>Effective December 16, 2022</b> |

### Appendix A – Screening Requirements Matrix

| Risk Level             | Roles (Note exceptions for Minor and Specific Roles Classification Chart Below)   | Screening   | Training: (every 2 years)  |
|------------------------|---|---|--|
| Level A                | Athletes, ages 15 and up, named to CKC Teams or taking part in CKC Training Camps.  | None.   | CAC Safe Sport Training (Athlete Stream)   |
| Level 1<br>Low Risk    | <ul style="list-style-type: none"> <li>a) Volunteers acting in non-regular or informal basis.</li> <li>b) Volunteers who are not in a position of authority.</li> </ul>   | <p>Complete an Application Form (<b>Appendix B</b>) and Screening Disclosure Form (<b>Appendix C</b>) and submit via CKC’s online database.</p> <p>Participate in role specific training, orientation, and monitoring as considered necessary by the organization</p>   | <p>Recommended training for individuals who are not coaches:</p> <ul style="list-style-type: none"> <li>• CAC Safe Sport Training or</li> <li>• Respect in Sport for Activity Leaders</li> <li>• All Coaches Required: CAC Making Ethical Decisions Certified</li> </ul> |
| Level 2<br>Medium Risk | <ul style="list-style-type: none"> <li>a) Volunteers working in a regular capacity and who are in a position of authority.</li> <li>b) Non-Coach Employees</li> <li>c) Coaches who report to another Coach.</li> <li>d) Directors (all levels)</li> <li>e) Officials working in a position of authority</li> <li>f) Event organizing committee</li> <li>g) Learning Facilitators</li> <li>h) Athletes who are using CKC vehicles (owned or rented for the purpose of CKC team use) and may be drivers of the vehicle while transporting other Individuals.</li> </ul> | <p>Same as Level 1 plus:</p> <p>Provide an Enhanced Police Information Check (E-PIC) or Criminal Record Check (with local police check).</p> <p>For new-hires and Minors, provide one letter of reference related to the position.</p> <p>Provide a driver’s abstract, if requested/required by virtue of the position.</p> | <p>Required training:</p> <ul style="list-style-type: none"> <li>• CAC Safe Sport Training or</li> <li>• Respect in Sport for Activity Leaders</li> <li>• All Coaches Required: CAC Making Ethical Decisions Certified</li> </ul>  |
| Level 3<br>High Risk   | <ul style="list-style-type: none"> <li>a) Senior Coaches</li> <li>b) Any coach or employee who will travel with athletes for overnight trips.</li> </ul>  | <p>Same as Level 2 but:</p> <p>Provide a Vulnerable Sector Check (which includes an E-PIC/CRC)</p>  | <p>Required training:</p> <ul style="list-style-type: none"> <li>• CAC Safe Sport Training or</li> <li>• Respect in Sport for Activity Leaders</li> </ul>  |

|  |  |   |  |
|--|--|---|--|
|  |  | For new-hires and Minors, a second letter of reference from a previous relevant sport related employer. | <ul style="list-style-type: none"> <li>All Coaches Required: CAC Making Ethical Decisions Certified</li> </ul> |
|--|--|---|--|

| Specific Roles Classification Chart  |   |
|--|---|
| <p>Note: This Chart is not intended to be comprehensive; organizations should assess the level of risk of any role not specified below based on the position of authority that the role puts a person in, the participants over whom they will have authority and the behaviours expected in the role they will be put in.</p> |   |
| Level 1<br>Low Risk  | <p>Parents and other individuals acting as informal, non-regular volunteers who are not in a position of authority.</p> <p>Race or Event volunteers, for example timers, safety boat operators, registration coordinators.</p>  |
| Level 2<br>Medium Risk   | <p>Volunteers working in a regular capacity and who are in a position of authority (i.e. Volunteer program coordinators, volunteer directors or others in charge of competitions.</p> <p>All paid employees including Part-Time or Assistant Coaches (please refer to Sections 18 and 19 on Minors above)</p> <p>Board of Directors at all organizations including Club, Provincial/Territorial Organizations and National Boards and Committees.</p> <p>Officials working in a position of authority including, all sprint accredited officials.</p> <p>Instructors</p> <p>Marathon: Chief of Race or Event Organizer, Chief of Course</p> <p>Safety Officers</p> <p>Event Organizing Committee</p> <p>Learning Facilitators</p> |
| Level 3<br>High Risk   | <p>Full time coaches</p> <p>A Coaches or other employees who oversee other Coaches.</p> <p>Coaches who travel with athletes for overnight trips.</p>  |

## Appendix B – Application Form

*Note: Individuals who are applying to volunteer or work within certain positions with Canoe Kayak Canada or a Member must complete this Application Form. Individuals need to complete an Application Form once for the position sought. If the individual is applying for a new position within Canoe Kayak Canada or within a Member, a new Application Form must be submitted.*

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**POSITION SOUGHT:** \_\_\_\_\_

By signing this document below, I agree to adhere to the policies and procedures of Canoe Kayak Canada and/or the Member (as applicable), including but not limited to the *Code of Conduct and Ethics*, *Conflict of Interest Policy*, *Privacy Policy*, and *Screening Policy*. Policies are located at the following link:  
<https://canoekayak.ca/policies/>

I recognize that I must pass certain screening requirements depending on the position sought, as outlined in the *Screening Policy*, and that the Screening Committee will determine my eligibility to volunteer or work in the position.

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**Appendix C – Screening Disclosure Form**

**NAME:** \_\_\_\_\_  
First Middle Last

**OTHER NAMES YOU HAVE USED:** \_\_\_\_\_

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**CLUB (if applicable):** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

*Note: Failure to disclose truthful information below may be considered an intentional omission and the loss of volunteer responsibilities or other privileges*

**1. Have you been convicted of a crime? If so, please complete the following information for each conviction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Year Convicted: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**2. Have you ever been disciplined or sanctioned by a sport governing body or by an independent body (e.g., private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position? If so, please complete the following information for each disciplinary action or sanction. Attach additional pages as necessary.**

Name of disciplining or sanctioning body: \_\_\_\_\_

Date of discipline, sanction or dismissal: \_\_\_\_\_

Reasons for discipline, sanction or dismissal: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**3. Are criminal charges or any other sanctions, including those from a sport body, private tribunal or**

**government agency, currently pending or threatened against you? If so, please complete the following information for each pending charge or sanction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Name of disciplining or sanctioning body: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

#### **PRIVACY STATEMENT**

By completing and submitting this Screening Disclosure Form, I consent and authorize Canoe Kayak Canada and/or the Member to collect, use and disclose my personal information, including all information provided on the Screening Disclosure Form as well as my Enhanced Police Information Check and/or Vulnerable Sector Check (when permitted by law) for the purposes of screening, implementation of the *Screening Policy*, administering membership services, and communicating with National Sport Organizations, Provincial Sport Organizations, Divisions, Discipline-Specific Provincial Sport Organizations, Clubs, and other organizations involved in the governance of sport. Canoe Kayak Canada and its Members do not distribute personal information for commercial purposes.

#### **CERTIFICATION**

I hereby certify that the information contained in this Screening Disclosure Form is accurate, correct, truthful and complete.

I further certify that I will immediately inform Canoe Kayak Canada or the Member (as applicable) of any changes in circumstances that would alter my original responses to this Screening Disclosure Form. Failure to do so may result in the withdrawal of volunteer responsibilities or other privileges and/or disciplinary action.

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_



**Appendix D – Screening Renewal Form**

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

By signing this document below, I certify that there have been no changes to my criminal record since I last submitted an Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to Canoe Kayak Canada or to the Member. I further certify that there are no outstanding charges and warrants, judicial orders, peace bonds, probation or prohibition orders, or applicable non-conviction information, and there have been no absolute and conditional discharges.

I agree that any Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I would obtain or submit on the date indicated below would be no different than the last Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I submitted to Canoe Kayak Canada or the Member. I understand that if there have been any changes, or if I suspect that there have been any changes, it is my responsibility to obtain and submit a new Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to the Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from the Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form, and that if I submit this form improperly, then I am subject to disciplinary action and/or the removal of volunteer responsibilities or other privileges at the discretion of the Screening Committee.**

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## Appendix E – Request For Vulnerable Sector Check

*Note: Canoe Kayak Canada and its Members will be required to modify this letter to adhere to any requirements from the VSC provider*

### INTRODUCTION

[insert Organization] is requesting a Vulnerable Sector Check for \_\_\_\_\_ [insert individual's full name] who identifies as a \_\_\_\_\_ [insert gender identity] and who was born on \_\_\_\_\_ [insert birthdate].

### DESCRIPTION OF ORGANIZATION

[insert Organization] is a not-for-profit [national, provincial, local] organization for the sport of canoe kayak located in [location].

[Insert additional description]

### DESCRIPTION OF ROLE

\_\_\_\_\_ [insert individual's name] will be acting as a \_\_\_\_\_ [insert individual's role]. In this role, the individual will have access to Vulnerable Participants.

[Insert additional information re: type and number of Vulnerable Participants, frequency of access, etc.]

### CONTACT INFORMATION

If more information is required from [insert Organization], please contact the Screening Committee Chair:

[Insert information for Screening Committee Chair]

Signed: \_\_\_\_\_ Date: \_\_\_\_\_