



CODE OF CONDUCT

This Universal Code of Conduct has been approved in principle by the Bowling Federation of Canada. The final version is subject to the working committee's approval by Sport Canada. French will be released upon finalization.

COMPONENTS OF A UNIVERSAL CODE OF CONDUCT

Section 1.0 General Principles and Commitment

- 11 Sport has the potential to contribute to the physical, psychological and social health of individuals of varying abilities, backgrounds and interests, and contributes to societal engagement and pride. Only when sport environments are safe and inclusive are these benefits possible.

Individuals have the reasonable expectation when they participate in sport in Canada that it will be in an environment that is accessible, inclusive and free from all forms of *Misconduct*. This is Safe Sport. *Misconduct* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society. *Misconduct* is unacceptable and fundamentally incompatible with the core values that lie at the heart of Canadian sport.

- 12 The following principles will guide the determination of *Misconduct* and imposing sanction outcomes:

- Fair (procedural and substantive due process for all *Participants*)
- Harmonized (to be applied to all *Participants*)
- Comprehensive (all *Misconduct* and potential sanctions described)
- Evidence-driven (proof of *Misconduct* will be required)
- Expert-informed (the definitions of *Misconduct*; the imposition of sanctions by experienced decision-makers)

- 1.3 Following the Safe Sport Working Group's consensus statements and the Pan-Canadian consultation held from March to May 2019, all parties and organizations committed to the goal of Safe Sport have agreed that *Misconduct* has no place in Canadian sport and, when present, must be sanctioned appropriately. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders:

- That all *Participants* in sport expect to practice and compete, work, and interact in an environment free from *Misconduct*.

- Addressing the causes and consequences of *Misconduct* is a collective responsibility and requires the deliberate efforts of all *Participants*, sport stakeholders, sport clubs and organizations.

Components of a Universal Code of Conduct

- *Participants* in positions of trust and authority have the general responsibility to protect the health and well-being of all other *Participants*.
- Adult *Participants* have a specific duty and the additional responsibility to respond to incidents of *Misconduct* involving *Minors* and other vulnerable individuals.

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- All *Participants* recognize that *Misconduct* can occur regardless of age, sex, sexual orientation, gender, gender identity or expression, race, ethnicity, or level of disability and such factors may cause the *Misconduct* to have a disproportionate effect.
- All *Participants* recognize that individuals who have experienced *Misconduct* may experience a range of effects that can profoundly affect their lives.

Definitions

Athlete: An individual who is a member, registrant or license holder of a sport organization subject to the Universal Code of Conduct (UCC). **[Note: The UCC (when fully drafted and implemented) will set out in detail how jurisdiction over various groups of individuals, including Athletes, will be acquired.]**

Authority-Based Relationship: Any relationship in which one person has power over another by virtue of an ascribed position of authority. Examples of *Authority-Based Relationships* include but are not limited to those between: high performance director and coach; coach and *Athlete*; employer-employee; technical official and *Athlete*. In these relationships, power is based upon a position of authority, and *Misconduct* occurs when this power is misused.

Complainant: A *Participant* about whom an incident of *Misconduct* experienced by that *Participant* has been *Reported*.

Consent: The voluntary agreement of an individual to engage in a sexual act. *Consent* must be positive, active and ongoing, and can be revoked at any time. A prior *Consent* does not cover future conduct and *Consenting* to one sexual act does not mean that *Consent* is given for another sexual act or kind of activity. *Consent* cannot be assumed from passivity, immobility or an absence of resistance or perceived resistance.

Consent is not obtained where a person is for any reason incapable of *Consenting*. Examples of this include, without limitation: where a person is induced to engage in the activity by someone abusing a position of trust, power or authority; where there is a *Power Imbalance* within a *Dependency* or *Authority-Based Relationship*. There can be no *Consent* to a sexual act with a *Minor* in a *Dependency* or *Authority-Based Relationship*.

Dependency Relationship:

Any relationship in which the person in a position of lesser power or lesser physical or intellectual capacity is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs. Examples of *Dependency Relationships* include but are not limited to those between: parent and child; teacher and student; coach and *Athlete*; care or support person and *Athlete*; guide or pilot and *Athlete*; sports medicine physician and *Athlete*. In these relationships, power is based upon the ability to provide fulfillment of needs and a sense of trust and security and *Misconduct* occurs when this power is misused.

Disclosure: The sharing of information by a *Participant* regarding an incident or a pattern of *Misconduct* experienced by that *Participant*. *Disclosure* does not initiate a process to address the *Misconduct*.

Grooming: Deliberate conduct by a *Participant* to sexualize a relationship with a *Minor* that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the *Participant* will gain the trust of the *Minor* and protective adults around the *Minor* often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the *Minor* in order to abuse or exploit the *Minor*.

Minor: An individual who is, or is believed by *the-Respondent* to be, under the age of 18 when the alleged *Misconduct* occurred.

Misconduct: Any of the various prohibited behaviours and conduct described in Section 2.0.

[Note: Other sport rules governing conduct (e.g. cheating, gambling, drinking, swearing, etc.) can exist and operate concurrently with the UCC rules describing *Misconduct*. *Misconduct* does not purport to capture all undesired behaviours.]

Neglect: Any pattern or a single serious incident of lack of reasonable care, inattention to a *Participant's* needs, nurturing or well-being, or omissions in care. *Neglect* is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the *Participant's* needs and requirements, not whether harm is intended or results from the behaviour.

Neglect does not include coaching methods that are professionally-accepted to Canadian standards for skill enhancement, physical conditioning, team-building, rule-enforcement, or improved athletic performance and that would be found to be an objectively acceptable practice in that sport (given the *Participant's* needs and requirements) by a reasonable person knowledgeable in that sport.

Participant: Every individual who is subject to the UCC. **[Note: *Participants* will become subject to the UCC by various means. *Athletes* through membership in an adopting sport organization and coaches, volunteers, doctors, trainers, administrators, directors, etc. by signing an express contract accepting the jurisdiction of the UCC.]**

Peer-to-Peer Relationship: Any relationship between peers, including but not limited to teammate-teammate, coach-coach or official-official relationships. In these relationships, power may be represented by seniority, ability, physical size, or gender, as some examples, and *Misconduct* occurs when this power is misused.

Physical Misconduct: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Participant*. *Physical Misconduct* includes, without limitation, contact or non-contact infliction of physical harm. *Physical Misconduct* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

Physical Misconduct does not include physical contact that occurs within the rules of a sport and/or contact reasonably expected and accepted as part of a *Participant's* participation in that sport nor does it include coaching methods that are professionally-accepted to Canadian standards for skill enhancement, physical conditioning, team-building, rule-enforcement, or improved athletic performance and that would be found to be an objectively acceptable practice in that sport by a reasonable person knowledgeable in that sport.

Power Imbalance: A *Power Imbalance* may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, a duty of care, or other authority over another. Whether there is a *Power Imbalance* depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the

relationship; the age of the parties involved; identity aspects (e.g. gender, gender expression, sexual and ethno-racial minorities, physical and intellectual disabilities, and Indigenous status); whether there is an initiator; whether there is a significant disparity in age, size, strength, or intellectual capacity.

Once a *coach-Athlete* relationship is established, a *Power imbalance* is presumed to exist throughout the *coach-Athlete* relationship, regardless of age. A *Power Imbalance* is presumed to continue for *Minor Athletes* after a coach-Minor *Athlete* relationship terminates until the *Athlete* reaches 20 years of age. A *Power Imbalance* may also exist between an *Athlete* and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers or sport science support staff.

A *Power imbalance* may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship that preceded the sport relationship). **[Note: The UCC does not ban sexual relations between an *Athlete* and a coach in every situation. However, there can be no *Consent* where there is a *Power Imbalance* within a *Dependency* or *Authority-Based Relationship*. Importantly, a *Power Imbalance* is presumed to exist for the duration of the *Athlete-coach* relationship. A *Power Imbalance* that is presumed to exist may be rebutted.]**

Psychological Misconduct:

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Participant*. *Psychological Misconduct* includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. *Psychological Misconduct* is determined by the objective behavior, not whether harm is intended or results from the behavior.

Psychological Misconduct does not include a single incident of conduct that is merely rude or mean (inadvertently saying something hurtful). *Psychological Misconduct* does not include coaching methods that are professionally-accepted to Canadian standards for skill enhancement, physical conditioning, team-building, rule-enforcement, or improved athletic performance and that would be found to be an objectively acceptable practice in that sport by a reasonable person knowledgeable in that sport.

Reporting (or Report): The provision of information in writing by any person or a *Participant* to a relevant authority regarding *Misconduct* either: (i) experienced by the *Participant* (of any age), or (ii) otherwise known or suspected by the person or the *Participant*, with the intention of initiating a process, which could result in disciplinary action being taken against the *Respondent*.

Respondent: A *Participant* who is alleged to have engaged in *Misconduct* and thereby to have violated the UCC.

Sexual Misconduct: Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a *Participant* without the *Participant's Consent*. It includes

any act targeting a *Participant's* sexuality, gender or gender expression, that is committed, threatened or attempted against a *Participant* without that *Participant's Consent*, and includes the *Criminal Code Offences* of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. *Sexual Misconduct* also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. *Sexual Misconduct* can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, "hazing", or through a third party).

Section 2.0 *Misconduct*

2.1 Scope of Application

2.1.1 This section of the UCC sets forth expectations for *Participants* regarding the elimination of *Misconduct* in sport.

2.1.2 The privilege of participation in sport may be limited, conditional, suspended, terminated or denied if a *Participant* engaged in *Misconduct*. It is a violation of the UCC for a *Participant* to engage in *Misconduct* (however described) against another *Participant*.

2.1.3 *Participants* shall be responsible for knowing what constitutes *Misconduct*. The categories of *Misconduct* are not mutually exclusive nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the *Misconduct* is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of *Misconduct*.

Misconduct can be any of the prohibited behaviours and conduct, provided the *Misconduct* occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the *Participant* alleged to have committed *Misconduct* was engaging in sport activities or (iii) when the *Participants* involved interacted due to their mutual involvement in sport. The physical location(s) where the alleged *Misconduct* occurred is not determinative.

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2.2.1 *Psychological Misconduct*

2.2.1.1 It is a violation of the UCC for a *Participant* to engage in *Psychological Misconduct*.

2.2.1.2 *Psychological Misconduct* includes, without limitation, Verbal Acts, Non assaultive Physical Acts and Acts that Deny Attention or Support.

2.2.1.2.1 Verbal Acts

Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender, gender expression, ethnicity, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation.

2.2.1.2.2 Non-assaultive Physical Acts (no physical contact)

Physically aggressive behaviors, including but not limited to: throwing objects at or in the presence of others; hitting, striking or punching objects in the presence of others.

2.2.1.2.3 Acts that Deny Attention or Support

Lack of attention, lack of support or isolation unconnected to sport performance or team selection, including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

2.2.2 *Physical Misconduct*

2.2.2.1 It is a violation of the UCC for a *Participant* to engage in *Physical Misconduct*.

2.2.2.2 *Physical Misconduct* includes, without limitation, contact or non-contact infliction of physical harm.

2.2.2.2.1 Contact infliction of physical harm

Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.

2.2.2.2.2 Non-contact infliction of physical harm

Including but not limited to: isolating a person in a confined space; forcing another to assume a painful stance or position for no athletic purpose (e.g., requiring an *Athlete* to kneel on a hard surface); the use of excessive exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a *Participant* under the legal drinking age; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or knowingly permitting an *Athlete* to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an *Athlete* to perform a skill which he/she is known to not be developmentally ready for.

2.2.3 *Sexual Misconduct*

2.2.3.1 It is a violation of the UCC for a *Participant* to engage in *Sexual Misconduct*. *Sexual Misconduct* refers to any sexual act, whether the act is physical or psychological in nature, in-person or in online environments, that is committed, threatened or attempted against a person without the person's *Consent*.

2.2.3.2 *Sexual Misconduct* includes, without limitation, any act targeting a person's sexuality, gender or gender expression, that is committed, threatened or attempted against a person without that person's *Consent*, and includes the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and

non-consensual distribution of sexual/intimate images. *Sexual Misconduct* also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.

2.2.3.3 Examples of *Sexual Misconduct* include, without limitation:

2.2.3.3.1 Any penetration of any part of a person's body, however slight, with any object or body part by another person upon another person, including but not limited to:

- a) vaginal penetration by a penis, object, tongue, or finger; and
- b) anal penetration by a penis, object, tongue, or finger.
- c)

2.2.3.3.2 Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to: a)

- kissing;
- b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
- d) any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
- e) making another touch themselves, the *Participant*, or someone else with or on any of the body parts listed in b).

[Comment to Section 2.2.3.3: The following are additional non-exclusive examples of Sexual Misconduct, included to illustrate the wide scope and breadth of what conduct will constitute Sexual Misconduct: Any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person; indecent exposure; unwanted/coerced observation of masturbation; jokes or remarks of a sexual nature (such as comments on a person's appearance, body or clothing, questions about their sexuality or sexual history); leering, ogling or sexual gestures; sexual attention (such as persistent invitations for dates), when that person reasonably knows or ought to know that the attention is unwanted or

unwelcome; practical jokes based on sex; intimidating sexual remarks, propositions, invitations or familiarity; unwanted/coerced exposure to pornographic material; unwanted/coerced deliberate exposure of an individual to the act of sexual intercourse; forcing or coercing a person into sexually related acts (e.g. hazing); unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender based jokes or comments; allowing third parties to observe private sexual activity from a hidden location (e.g. closet) or through electronic means (e.g. live-streaming of images); recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks); engaging in voyeurism (e.g. watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy); disseminating, showing or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks); intentionally exposing another person to a sexually transmitted infection or virus without that person's knowledge.]

2.2.4 *Neglect*

It is a violation of the UCC for a *Participant* to engage in *Neglect*.

2.2.4.1

Neglect includes without limitation: refusing an *Athlete* recovery time and/or

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treatment for a sport injury; abandonment of an *Athlete* as punishment for poor performance; not being aware of and not safely accommodating an individual's physical or intellectual disability; inadequate supervision of an

Athlete during travel, training or competition; prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests) as a means of exerting control or imposing punishment without regard for the need, nutritional wellbeing and health of the *Athlete*; disregarding the use of performance enhancing drugs by an *Athlete*; failure to ensure safety of equipment or environment; allowing an *Athlete* to disregard sport's rules, regulations, and standards.

2.2.5 *Misconduct* Related to Process

2.2.5.1 The behaviors identified below also constitute *Misconduct* and may give rise to a sanction.

2.2.5.1.1 Abuse of Process

A *Participant*, violates the UCC by directly or indirectly abusing or interfering with a UCC process by:

- a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) destroying or concealing information;
- c) attempting to discourage an individual's proper participation in or use of the UCC's processes;
- d) harassing or intimidating (verbally or physically) any person involved in the UCC's processes before, during, and/or following any UCC proceedings;
- e) publicly disclosing a *Participant's* identifying information, without the *Participant's* agreement;
- f) failing to comply with any temporary or provisional measure or other final sanction;
- g) distributing or otherwise publicizing materials a *Participant* gains access to during a UCC investigation or hearing, except as required by law or as expressly permitted; or
- h) Influencing or attempting to influence another person to commit an abuse of process.

2.2.5.1.2 Retaliation

Retaliation is prohibited. A *Participant* shall not take an adverse action against any person for making a good faith *Report* of possible *Misconduct* or for participating in any process under the UCC. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage

a reasonable person from engaging or participating in UCC's processes. Retaliation may be present even where there is a finding that no *Misconduct* occurred. Retaliation does not include good-faith actions lawfully pursued in response to a *Report* of possible *Misconduct*.

2.2.5.1.3 Aiding and Abetting

Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of *Misconduct* by a *Participant*. Aiding and Abetting also includes, without limitation, knowingly:

- a) Allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct *Participants*;
- b) Providing any coaching-related advice or service to an *Athlete* who has been suspended or is otherwise ineligible.
- c) Allowing any person to violate the terms of their suspension or any other sanctions imposed.

2.2.6 *Misconduct* Related to *Reporting*

2.2.6.1 Failure to *Report*

An adult *Participant* who fails to *Report* actual or suspected *Psychological Misconduct, Sexual Misconduct, Physical Misconduct* or *Neglect* involving a *Minor Participant* pursuant to the UCC's processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under the UCC.

2.2.6.1.1 The obligation to *Report* requires the *Reporting* of any conduct which, if proven true, would constitute *Psychological Misconduct, Sexual Misconduct, Physical Misconduct* or *Neglect* involving a *Minor Participant*. The obligation to *Report* is an ongoing one and is not satisfied simply by making an initial *Report*. The obligation includes *Reporting*, on a timely basis, all relevant information of which an adult *Participant* becomes aware.

2.2.6.1.2 The obligation to *Report* includes making a direct *Report*.

2.2.6.1.3 The obligation to *Report* includes personally identifying information of a potential *Minor Complainant* to the extent known at the time of the *Report*, as well as a duty to reasonably supplement the *Report* as to identifying

2.2.6.1.4 *Participants* should not investigate or attempt to evaluate the credibility or validity of allegations involving *Psychological Misconduct, Sexual Misconduct, Physical Misconduct* or *Neglect*. *Participants* making a good faith *Report* are not required to prove the *Reports* are true before *Reporting*.

2.2.6.2 Intentionally Filing a False Allegation

In addition to constituting *Misconduct*, filing a knowingly false allegation that a *Participant* engaged in *Misconduct* may violate criminal and civil defamation laws. Any person making a knowingly false allegation shall be subject to disciplinary action pursuant to the UCC.

2.2.6.2.1 An allegation is false if the events *Reported* did not occur, and the person making the *Report* knows the events did not occur.

2.2.6.2.2 A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a UCC violation.

2.2.7 *Misconduct* related to *Grooming*

Grooming includes, without limitation, engaging in a pattern of any of the following conduct (or similar behaviours): 'boundary violations' which have been professionally identified to Canadian standards (e.g. a degrading remark, a sexual joke, an inappropriate text message, sexualized physical contact); adult Participants sharing rooms with a Minor; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel; providing gifts.

Section 3.0 Sanctions

In addition to any temporary or provisional measure that may be imposed, where there is sufficient evidence to support a finding that a *Participant* engaged in *Misconduct* against a *Participant* and thus violated the UCC, sanctions will be imposed. Different incidents constituting a violation of the same part of the UCC may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors. **[Note: Precisely how (and by whom) it will be determined that there is "sufficient evidence" will be finalized when the operational and implementation details for the UCC are designed.]**

Any sanction imposed against a *Participant* must be proportionate and reasonable, relative to the conduct that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of *Misconduct* can lead to a very significant sanction.

3.1 Sanctions

Subject to Section 3.3, if *Misconduct* is proven one or more of the following sanctions, may be imposed:

3.1.1 Verbal or Written warning

A verbal reprimand or an official, written notice and formal admonition that a *Participant* has violated the UCC and that more severe sanctions will result should the *Participant* be involved in other violations.

3.1.2 Education

The requirement that a *Participant* undertake specified educational or similar remedial measures to address the *Misconduct*.

3.1.3 Probation

A specified time during which, should any further violations of the UCC occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements.

3.1.4 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 any sport organization subject to the UCC. A suspended *Participant* is eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the *Participant* satisfying specific conditions noted at the time of suspension.

3.1.5 Eligibility Restrictions

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

3.1.6 Permanent Ineligibility

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization subject to the UCC.

3.1.7 Other discretionary sanctions

Other sanctions for *Misconduct* 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.

3.2 Considerations

3.2.1 Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

- a) The *Respondent's* relationship with the *Complainant*;
- b) The *Respondent's* prior history and any pattern of inappropriate behaviour or *Misconduct*;
- c) The ages of the individuals involved.;
- d) Whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;
- e) *Respondent's* voluntary admission of the offense(s), acceptance of responsibility for the *Misconduct*, and/or cooperation in the UCC's process;
- f) Real or perceived impact of the incident on the *Complainant*, sport organization or the sporting community;
- g) Circumstances specific to the *Respondent* being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the UCC; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate; and/or
- i) Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed.

3.3 Presumptive sanctions

3.3.1 The following sanction outcomes are presumed to be fair and appropriate for the listed *Misconduct*, but the *Respondent* affected may rebut these presumptions:

- a) *Sexual Misconduct* involving a *Minor Complainant* shall carry a presumptive sanction of permanent ineligibility;
- b) *Sexual Misconduct*, *Physical Misconduct* with contact and *Misconduct related to Process* shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) When a *Respondent* has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

3.4 Public Disclosure

In addition to the publication of a summary of the final outcome of a UCC resolution process, a publicly-available searchable database or Registry of *Respondents* who have been sanctioned by or whose eligibility to participate in sport has in some way been restricted shall be maintained, pursuant to the provisions contained in the UCC. **[Note: Whether all sanctions shall be summarized and publicly disclosed (e.g. including a verbal warning or an educational update) and precisely how a record shall be maintained of every sanction outcome imposed on each**

Respondent has yet to be designed. These details will be included in the UCC. The point is that all sanctions must be tracked so that sport stakeholders will know (i) who has breached the UCC and (ii) which Respondents are ineligible to be involved in sport.]