



Discipline and Complaints Policy

Definitions

- a) ***Affiliate or Corporate Members*** – refers to any entity or organization who is a member defined in Article 3.02 and 3.03 of the by-laws of OBA who are subject to the policies, rules and regulations of OBA.
- b) ***Complainant*** – an Organizational Participant who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in OBA’s policies, by-laws, rules or regulations, or the UCCMS
- c) ***External Discipline Panel*** – a panel of one or three people who are appointed by the Independent Third Party to decide on complaints that are assessed under Process #2 of this policy
- d) ***Independent Third Party*** – the individual retained by OBA to receive reports and complaints, and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy*, *Investigations Policy* and *Appeal Policy*, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.
- e) ***Minor***– an individual who is a Participant in OBA who is subject to the policies of OBA and to this *Code* who is under the age of eighteen (18) years old.
- f) ***Organizational Participant(s)*** – refers to all categories of individual members and/or registrants defined in the by-laws of OBA who are subject to the policies, rules and regulations of OBA, as well as all persons employed by, contracted by, or engaged in activities with, OBA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, Athlete Support Personnel, managers, administrators, parents or guardians, honourary members, spectators, committee members, or directors and officers
- g) ***OSIC*** – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- h) ***Provisional Suspension*** – means that the Organizational Participant is barred temporarily from participating in in any capacity in any Event or activity of OBA and its members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this policy



PURPOSE

1. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of OBA, as updated, and amended from time to time.
2. Non-compliance with any of OBA's policies, by-laws, rules, or regulations, as applicable, may result in the imposition of sanctions pursuant to this policy.

APPLICATION

Application – General

3. This policy applies to all Organizational Participants and to any alleged breaches of OBA's policies, by-laws, rules, or regulations, which designate this policy as applicable to address such alleged breaches.
4. In addition to being subject to disciplinary action pursuant to this policy, an employee of OBA who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or OBA's human resources policies, if applicable.

REPORTING

UCCMS Participants

5. If an Organizational Participation of OBA has been designated as a UCCMS Participant by a Program Signatory under the OSIC, any alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the UCCMS) that occurred or continued during the activities of the Program Signatory must be reported to the OSIC [here](#) and will be addressed pursuant to the OSIC's policies and procedures.
6. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

Organizational Participants

7. Any complaints involving alleged breaches of OBA's policies that do not fall within Sections 5 or 6 above may be reported by an Organizational Participants to the Independent Third



Party in writing within 30 days.¹ For the avoidance of doubt, this includes complaints referred to the Independent Third Party by the OSIC if OSIC determine that a complaint initially reported to OSIC does not fall within its jurisdiction.

8. Notwithstanding any provision in this policy, OBA may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this policy. In such cases, OBA will identify an individual to represent the Organization.
9. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential during the initial stages, the Independent Third Party may ask that OBA take carriage of the complaint and act as the Complainant.² The confidentiality of the Complainant's identity may not be guaranteed and will not be maintained for the entirety of the complaint process.
10. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by OBA if an Affiliate Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Affiliate Member does not have policies in place to address the complaint. In such circumstances, OBA shall have the right to request that a cost-sharing agreement is entered into with the member as a pre-condition to OBA managing the complaint.
11. Where the Independent Third Party refers a matter to be managed by an Affiliate Member, or where an Affiliate Member is otherwise responsible for managing a matter (i.e., because they received the matter directly), and an Affiliate Member fails to conduct disciplinary proceedings within a reasonable timeline, OBA may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Commissioner of Fair Play and Resolution or External Discipline Panel decides that OBA acted reasonably in taking jurisdiction over the matter, OBA's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Affiliate Member to OBA.

MINORS

¹ This timeline may be waived at the Independent Third Party's sole discretion on provision of an explanation individual as to why they did not report their complaint within 30 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

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



12. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
13. Communication from the Independent Third Party, Commissioner of Fair Play and Resolution or External Discipline Panel (as applicable) must be directed to the Minor's representative.
14. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
15. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

16. Upon receipt of a complaint, the Independent Third Party has a responsibility to:
 - a) determine whether the complaint falls within the jurisdiction of this policy and whether it has been submitted in accordance with the deadlines indicated herein;
 - b) determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of OBA, or one of its Affiliate Member; and
 - ii. if the Affiliate Member can manage the complaint process³.

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

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



- c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁴;
- d) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

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

Process #1 - the complaint contains allegations involving the following behaviours:

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

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

Process #2 - The complaint contains allegations involving any of the following behaviours:

⁴ 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.

If it is determined that a complaint has been filed in bad faith, the Independent Third Party will send the matter to the Commissioner of Fair Play and Resolution, who will decide, what, if any costs, must be paid by the Complainant. The decision regarding costs may not be appealed.



- a) repeated incidents described in Process #1;
- b) hazing;
- c) abusive, racist, or sexist comments, conduct or behaviour;
- d) incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the "Code") or the UCCMS;
- e) major incidents of violence (e.g., fighting, attacking);
- f) pranks, jokes, or other activities that endanger the safety of others;
- g) conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition;
- h) conduct that intentionally damages the image, credibility, or reputation of OBA or that of one of its members or affiliated organizations;
- i) consistent disregard for the by-laws, policies, rules, or regulations of OBA or those of one of its members or affiliated organizations;
- j) major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
- k) intentionally damaging the property of OBA, one of its members or affiliated organizations, or improperly handling any of the aforementioned Organizations' monies;
- l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or
- m) a conviction for any *Criminal Code* offense.

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

PROVISIONAL MEASURES

17. 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 Organizational Participant by the Board of Directors of the OBA after which further discipline or sanctions may be applied according to this policy.



18. 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 designated party at the event, if any.⁵
19. Notwithstanding the above section, the OBA may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/or investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
20. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, OBA 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.
21. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1: Handled by the Commissioner of Fair Play and Resolution

Commissioner of Fair Play and Resolution

22. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will refer the matter to the Commissioner of Fair Play and Resolution,⁶ who may:
 - a) propose alternative dispute resolution techniques, if appropriate; and/or
 - b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Commissioner of Fair Play and Resolution any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have

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

⁶ The Commissioner of Fair Play and Resolution must be unbiased and not in a conflict of interest.



the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or

- c) following receipt of the Parties' submissions, the Commissioner of Fair Play and Resolution may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
23. Following their review of the submissions and evidence related to the complaint, the Commissioner of Fair Play and Resolution shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, the Commissioner of Fair Play and Resolution considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
 24. The Commissioner of Fair Play and Resolution will inform the Parties of the Commissioner of Fair Play and Resolution's decision, which shall be in writing and include reasons. The Commissioner of Fair Play and Resolution's decision will take effect immediately, unless specified otherwise by the Commissioner of Fair Play and Resolution. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Commissioner of Fair Play and Resolution may render a short decision, either orally or in writing, followed by a written reasoned decision.
 25. Any decision rendered by the Commissioner of Fair Play and Resolution shall be provided to and maintained in the records of the OBA. Decisions shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

PROCESS #2: Handled by Independent Third Party and External Discipline Panel

Independent Third Party

26. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
 - a) coordinate all administrative aspects of the process and set reasonable timelines;



- b) provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of OBA, any member or any other sport organization that had authority over the Respondent; and
 - c) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
27. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. If warranted based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
29. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
30. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and OBA and/or the member are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.



- f) If not a Party, OBA and/or the relevant Affiliate Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, OBA and/or the relevant member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision⁷.
 - g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
 - i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.
31. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
32. The process will proceed if a Party chooses not to participate in the hearing.
33. If a decision may affect another Organizational Participant to the extent that the other Organizational Participant would have recourse to a complaint or an appeal in their own right, that Organizational Participant will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.

⁷ The purpose of this provision is not to provide the WSA 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 the WSA or a member with the possibility to provide the discipline panel with clarifying information in other circumstances, for example, including but not limited to, 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.



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

DECISION

35. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
36. Within fourteen (14) days of the conclusion of the hearing, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to OBA and the relevant member(s).
37. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
38. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to OBA and all its members and associated organizations, according to the terms of the *Reciprocation Policy*.
39. Once the appeal deadline in the *Appeal Policy* has expired, OBA or the member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Organizational Participant(s) involved and the sanction(s) imposed, as specified by the Publication Guidelines. 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.
40. If the External Discipline Panel dismisses the complaint, the information referred to in Section 35 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 39 above will be kept confidential by the Parties, the Independent Third Party, OBA, 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 against the Party who breaches confidentiality pursuant to this policy.
41. Other individuals or organizations, including but not limited to, Affiliate Members, other provincial/territorial sport organizations, sport clubs, etc., may be advised of the outcome of any decisions rendered in accordance with this policy.
42. Records of all decisions will be maintained by OBA in accordance with their Privacy Policy.



43. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
- a) jurisdiction;
 - b) summary of the facts and relevant evidence;
 - c) where applicable, the specific provision(s) of OBA's policies, bylaws, rules or regulations that have been breached;
 - d) which Party or Organization is responsible for the costs of implementing any sanction;
 - e) which Organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) any reinstatement conditions that the Respondent must satisfy (if any);
 - g) which Organization is responsible for ensuring that the conditions have been satisfied; and
 - h) any other guidance that will assist the Parties to implement the External Discipline Panel's decision.
44. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

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



- 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 OBA;
 - f) real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability; illness);
 - h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - j) other mitigating or aggravating circumstances.
46. 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. Organizational Participant
47. The Commissioner of Fair Play and Resolution or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an Organizational Participant(s) has violated the *Code* and that more severe sanctions will result should the Organizational Participant(s) be involved in other violations
 - b) **Education** - the requirement that an Organizational Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS
 - c) **Probation** - Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
 - d) **Suspension** - 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 OBA. A suspended Organizational Participant(s) may be



eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant(s) 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 OBA.
 - 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.
48. The Commissioner of Fair Play and Resolution or External Discipline Panel, as applicable, 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 or 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.
49. An Organizational Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with OBA. Such *Criminal Code* offences may include, but are not limited to:
- a) any child pornography offences;
 - b) any sexual offences; and
 - c) any offence of physical violence.



50. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

OSIC SANCTION

51. OBA will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") against an Organizational Participant of the OBA will be implemented and respected within OBA's jurisdiction once OBA receives appropriate notice of any sanction or measure.

APPEALS

52. The decision of the Commissioner of Fair Play and Resolution or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

CONFIDENTIALITY

53. The disciplinary process is confidential and involves only OBA, the member (where applicable) the Parties, the Independent Third Party, the Commissioner of Fair Play and Resolution, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.
54. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 52 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless OBA 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.
55. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Commissioner of Fair Play and Resolution or External Discipline Panel (as applicable).



TIMELINES

56. If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the Independent Third Party may direct that these timelines be revised.

STATISTICAL REPORTING

57. OBA may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain, 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 OBA and members), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Commissioner of Fair Play and Resolution 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

58. The collection, use and disclosure of any personal information pursuant to this policy is subject to OBA's *Privacy Policy*.

OBA, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Commissioner of Fair Play and Resolution, External Discipline Panel), shall comply with OBA's *Privacy Policy* (or, in the case if a member, the member's *Privacy Policy*) in the performance of their services under this policy.