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## Canadian Interuniversity Sport

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### Policies and Procedures 90 – Conduct and Enforcement

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<b>Policy Number:</b>	<b>90.10</b>
<b>Name:</b>	<b>Drug Education and Doping Control Policy</b>
<b>Origin:</b>	<b>Eligibility Committee</b>
<b>Approved:</b>	<b>January 2000</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	<b>June 2002, June 2003, June 2004, January 2005, June 2005, June 2006</b>

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#### 90.10.1 POSITION STATEMENT

- 90.10.1.1 Canadian Interuniversity Sport is unequivocally opposed to the use by athletes of any prohibited substances or methods in contravention of its rules and the rules of the World Anti-Doping Agency (WADA) the Canadian Anti-Doping Program (CADP) and the Fédération internationale du sport universitaire.
- 90.10.1.2 CIS is unequivocally opposed to any encouragement or assistance in the use of such prohibited substances and/or methods by individuals in positions of leadership in university sport (i.e. coaches, athletic staff, medical practitioners, sport scientists, administrators, etc.) or by the athletes themselves.

#### 90.10.2 OBJECTIVES OF THE PROGRAM

- 90.10.2.1 To educate university athletes and coaching staffs of the hazards and consequences of the use of prohibited substances or methods in contravention of the CADP which is administered by the Canadian Centre for Ethics in Sport (CCES). The educational program will also include a discussion on ethics in sport.
- 90.10.2.2 To establish a doping control program in accordance with the CADP.
- 90.10.2.3 For a copy of the CADP please consult:

- i) [www.cces.ca](http://www.cces.ca)
- ii) Canadian Centre for Ethics in Sport (CCES)  
Telephone: 613-521-3340  
Toll free (Canada only): 1-800-672-7775  
Fax: 613-521-3134  
  
Email: [info@cces.ca](mailto:info@cces.ca)

90.10.3 DOPING CONTROL

90.10.3.1 Scope of the Program

90.10.3.1.1 CIS has adopted the CADP and accordingly the anti-doping rules and procedures contained in the CADP are the rules and procedures of CIS, except as modified in this Policy. In cooperation with the CCES, and in accordance with the CADP, CIS shall implement a doping control program in ALL sports run by CIS.

90.10.3.1.2 CIS, through the administrative support of the CCES, will conduct unannounced “no notice” and “short notice” testing, as well as announced testing during competitions.

90.10.3.2 Athlete Testing Pool

90.10.3.2.1 Any athlete who is a member of a Sport Governing Body or Sport Organization, such as CIS, may be subject to doping control testing at any time.

90.10.3.2.2 Once admitted to the Athlete Testing Pool, all athletes will remain in the Athlete Testing Pool for as long as they are a CIS athlete and for a period of eighteen (18) months thereafter, regardless of retirement.

90.10.3.3 Athlete Selection

90.10.3.3.1 Each athlete on a university team shall be required to sign the CIS Athlete Acknowledgement Form (Policy 40.30.3.1) which shall act as a consent form. By signing this form the athlete is indicating their understanding of the CIS Doping Control Policy and their willingness to participate in doping control, should he/she be selected for testing, for a period of 18 months as of the date of signing. The form must be signed before any doping control procedure is initiated. Failure to complete and sign the form shall result in the athlete’s ineligibility for participation in all CIS competition.

90.10.3.3.2 Any CIS athlete may be selected at random or may be chosen for target testing. An athlete may be selected more than once in any calendar year. Target testing may be conducted at any time on either a short notice or no

notice basis. Testing can take place in competition or out of competition (i.e. training, practice, etc.).

#### 90.10.3.4 Target Testing

Target testing is one of the selection methods used by CIS and the CCES to enhance its doping control program. This method allows the CCES to focus testing on an athlete or group of athletes based on information received from a legitimate, identifiable source. This type of unannounced testing allows the CCES and CIS to act on information quickly to ensure that potentially problematic situations are appropriately dealt with.

In order to carefully and confidentially review potential concerns of this nature, CIS, in accordance with CCES procedures, has established the following protocol for target testing.

##### 90.10.3.4.1 Protocol

90.10.3.4.1.1 Individuals who have information that would strongly suggest that banned substances or methods are being used are asked to provide a letter, in confidence, to the CIS office, to the attention of the Director, Operations & Development. This letter should contain the following information;

- a) name of the athlete(s);
- b) sport;
- c) reason or rationale for concern;
- d) source of information;
- e) name and phone number of individual writing the letter; and
- f) other information as per specific circumstances.

90.10.3.4.1.2 CIS shall forward the letter to the CCES including all necessary information required to conduct sample collection.

90.10.3.4.1.3 The decision to proceed, or not, with the test and the subsequent coordination of sample collection will be carried out by the CCES independently of CIS.

##### 90.10.3.4.2 Confidentiality

All parties involved in the process will be required to keep all information confidential.

#### 90.10.3.5 Athletes who are Required, Under Medical Supervision, to Use a Prohibited Substance

90.10.3.5.1 CIS athletes need not apply for an Abbreviated Therapeutic Use Exemption in advance of testing unless the athlete is also affiliated with another national sport organization. Should the athlete undergo testing and his/her sample return an adverse analytical finding for a substance subject to the ATUE process, the athlete will be advised of the adverse analytical finding and provided the opportunity to submit an ATUE to the CCES. Should the ATUE be complete and applicable for the substance for which the athlete produced an adverse analytical finding, the CCES will close the matter.

90.10.3.5.2 All CIS athletes who require the use of a Prohibited Substance that is not subject to the Abbreviated TUE process and/or a Prohibited Method must apply to the CCES for a Standard TUE. Standard TUE applications should be made at the time the prohibited medication(s) is/are recommended to the athlete by the athlete's physician or at the latest 21 days prior to a competition.

#### 90.10.4 DETERMINATION OF ANTI-DOPING RULE VIOLATIONS

90.10.4.1 All Anti-Doping Rule Violations shall be determined in accordance with the provisions of the CADP as it may be amended from time to time.

#### 90.10.5 PROVISIONAL SUSPENSIONS

90.10.5.1 CIS, Regional Associations and CIS members have the power to provisionally suspend a student-athlete until the result of the Doping Tribunal hearing is known. If a provisional suspension is imposed, the timeframes for the Doping Tribunal hearing are accelerated.

##### 90.10.5.1.1 Factors to Consider regarding Provisional Suspensions

The following factors shall be considered when determining whether or not to impose a provisional suspension:

- a) The timing of the alleged Anti-Doping Rule Violation and the timing of the Doping Tribunal hearing with regard to CIS Championships or FISU Games. CIS would be very inclined to impose a provisional suspension if the relevant Doping Tribunal hearing will occur shortly after or overlap with the timing of the CIS Championship or FISU Games the student-athlete might be involved in. CIS does not want the CIS Championships or FISU Games tainted with the participation of a student-athlete who, as a result of a positive test result, may be found at the Doping Tribunal hearing to have committed an Anti-Doping Rule Violation.
- b) The nature of the banned substance detected in the positive test result. CIS would be more inclined to impose a provisional suspension when, for example, steroids are detected in the sample.

- c) Whether there are other athletes who could take the place of the athlete with a positive test result..

90.10.5.1.2 Internal Process to follow in exercising the authority to provisionally suspend.

- a) Given that time is of the essence in alleged doping cases, the CIS Doping Committee will review the circumstances of each alleged Anti-Doping Rule Violation on a case by case basis and make a determination about whether or not to impose a provisional suspension.
- b) The CIS Doping Committee's decision will be circulated electronically to the CIS Board within 24 hours, and the Board shall have an additional 24 hours to express any concerns it may have regarding the CIS Doping Committee's decision. If three or more Board members express substantive concerns within the 24-hour period, a provisional suspension would not be imposed.

90.10.6 PENALTIES FOR ANTI-DOPING RULE VIOLATIONS

90.10.6.1 All penalties and suspensions affecting CIS members are as specified in the CADP, except as modified in this Policy.

90.10.6.2 Removal of Awards/Records

Once an Anti-Doping Rule Violation has been confirmed by the Doping Tribunal, any CIS record or title awarded to the athlete or individual in question shall be rescinded retroactive to the date of the Doping Tribunal decision or the date of the sample collection that gave rise to the anti-doping rule violation, whichever is earlier. In the case of a team sport, the team to which the athlete belongs will not be penalized and any record or title shall remain in place. However, in the case of a first Anti-Doping Rule Violation pursuant to Rule 7.7 of the CADP where no period of ineligibility is imposed on the athlete or individual the records or titles awarded to the athlete or individual in question shall be not be rescinded.

90.10.7 APPEALS

Anti-Doping Rule Violations determined under this Policy and the CADP may be appealed in accordance with the CADP..

90.10.8 TIME FOR COMMENCEMENT OF PENALTY AND INELIGIBILITY

90.10.8.1 In most situations, the commencement of a period of suspension is calculated from the date of the Doping Tribunal's decision confirming the Anti-Doping Rule

Violation. If a provisional suspension has been imposed that period of suspension is credited against the total period of suspension imposed. All periods of ineligibility are governed by the provisions of the CADP.

- 90.10.8.2 An athlete will forfeit one (1) year of CIS eligibility for each full year he/she is suspended by CCES for an Anti-Doping Rule Violation. In the case of a suspension imposed by CCES associated with a first violation for a “specified substance” that is less than one year of ineligibility and that extends into the time between the end of the current competitive season and the start of the subsequent competitive season (the “off-season”), the athlete (i) will be unable to participate in any sport activity for the full duration of the CCES imposed period of ineligibility and, in addition, (ii) will be unable to participate in any CIS activity for the length of the off-season portion of the CCES imposed period of ineligibility during the subsequent CIS competitive season(s), provided the extension of the period of ineligibility as it affects participation in CIS sport in the subsequent CIS competitive season does not extend beyond the later of (a) the date on which 50% of the athlete’s (team) league schedule is completed, or (b) the date the CCES imposed period of ineligibility ends.

With respect to determining the end of the competitive season for this policy, it is considered to be the date upon which for competitive reasons the athlete or his/her team are no longer eligible for continued participation in both league and post-season (playoff) competition.

With respect to determining the start of the competitive season for this policy, it is considered to be the first date upon which the athlete or his/her team would have participated in a competition that would contribute to the charging of eligibility for an academic year.

90.10.9 ADMISSIONS

- 90.10.9.1 Should an athlete wish to come forth with an admission of drug use, CIS and the member institution will:

- a) Assist the athlete with any information on counseling services they may require; and
- b) Inform the athlete of their responsibility to report the admission to CIS. The athlete will be encouraged to make his or her own admission to CIS or make a joint admission with the university.

- 90.10.9.2 The CADP does not differentiate between a violation determined by a laboratory test and an admission. The sanctions are the same in all instances.

90.10.10 CIS DOPING CONTROL REVIEW COMMITTEE

- 90.10.10.1 The CIS Doping Control Committee Panel shall be composed of:
- a) CIS President;

- b) CIS Chief Executive Officer;
- c) CIS Director, Operations & Development and
- d) CIS Legal Counsel.

90.10.10.2 The Committee shall be responsible for reviewing all matters pertaining to the implementation of the CIS Policy, such as but not limited to: public disclosure, provisional suspensions, approval of member institution's doping control programs.

90.10.11 GENERAL

90.10.11.1 The Canadian Anti-Doping Program took effect June 1, 2004 and was adopted by CIS on June 12, 2004.

90.10.11.2 For the purposes of making a transition from an earlier version of the CADP to the present version of the CADP, individuals who were sanctioned under the previous CADP and who remain subject to a sanction on June 1, 2004 shall thereafter be governed solely by the provisions of the CADP now in effect.

## **Policies and Procedures**

### **90 – Conduct and Enforcement**

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<b>Policy Number:</b>	<b>90.20</b>
<b>Name:</b>	<b>Harassment and Discrimination Policy</b>
<b>Origin:</b>	<b>Equity and Equality Committee</b>
<b>Approved:</b>	<b>June 1998</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	

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90.20.1      STATEMENT OF POLICY

90.20.1.1      Canadian Interuniversity Sport is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits unlawful discrimination and harassment.

90.20.1.2      For this policy, Canadian Interuniversity Sport recognizes that harassment is prohibited by the Canadian Human Rights Code and by human rights legislation in every province and territory of Canada. Harassment can also be an offense under Canada's Criminal Code.

90.20.2      JURISDICTION

90.20.2.1      This policy applies to all Canadian Interuniversity Sport member institutions, as well as all employees, directors, officers, volunteers, coaches, student-athletes, officials and any other persons involved in the activities of the member institutions and Canadian Interuniversity Sport. It applies to harassment & discrimination which may occur during the course of all Canadian Interuniversity Sport business, activities and sanctioned events occurring at the national and international level.

90.20.2.2      Harassment and discrimination arising within Canadian Interuniversity Sport business, activities and sanctioned events occurring at the Regional Association level shall be dealt with using the policies and procedures of the Regional Association.

90.20.2.3 Harassment and discrimination arising within the business, activities and events of a member institution of Canadian Interuniversity Sport, other than those activities set out in Policies 90.20.2.1 and 90.20.2.2, shall be dealt with using the policies and procedures of that institution.

90.20.2.4 Persons who are sanctioned under this policy may also be subject to the disciplinary rules and procedures of other associations, clubs, organizations or institutions of which they are a member or represent.

### 90.20.3 DEFINITIONS

90.20.3.1 Harassment and discrimination based on the following grounds is prohibited under this policy: race ancestry, ethnic origin, country or place of origin, citizenship, age, creed (religion), sex, sexual orientation, marital status, family status, disability and colour.

90.20.3.2 "Discrimination" is defined as: differential adverse treatment of an individual or group that is not based on individual or group performance, but arises from a prohibited grounds listed under this policy (90.20.3.1).

90.20.3.3 "Harassment" is comment(s), conduct, or gesture(s) directed towards an individual or group, which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive and which a reasonable person would know, or, ought reasonably to know to have this effect.

90.20.3.4 "Sexual harassment" is unwelcomed sexual solicitation or advances, a request for sexual favours, or other verbal or physical conduct of a sexual nature:

- a) when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
- b) when submission to, or rejection of, such conduct is used as the basis for making a decision which affects the individual; or,
- c) when such conduct has the effect of interfering with a person's performance or creating an intimidating, hostile or offensive environment and where a reasonable person would know, or, ought reasonably to know, that such conduct would have this effect.

90.20.3.5 "Reprisals" include situations in which head office staff or an employee, student-athlete, or volunteer is:

- denied or threatened with denial of a promotion, training, or other related benefits or opportunities (e.g. team selection, playing time etc.)
- disciplined or threatened with disciplinary action;
- dismissed or threatened with dismissal

On the basis of, but not limited to:

- rejecting the sexual advances of a person in authority who makes or can influence decisions affecting that individual;
- having made a complaint of harassment or discrimination under this policy; or,

- given evidence in a complaint or participated in any other way with the procedures afforded under this policy

90.20.3.6 "Complainant" refers to the person who files a complaint under this policy.

90.20.3.7 "Respondent" refers to the person against whom a complaint is made under this policy.

90.20.3.8 "Harassment Advisor" refers to the person(s) designated by Canadian Interuniversity Sport to receive complaints and to assist in their informal resolution.

90.20.3.9 "Harassment Investigator" refers to the person appointed by the President to investigate a harassment complaint.

90.20.3.10 "Investigation Report" refers to the report of an investigation completed by the Harassment Investigator.

90.20.3.11 "Disciplinary Committee" refers to a committee consisting of three (3) members of Canadian Interuniversity Sport Board of Directors appointed by the President of Canadian Interuniversity Sport. The Committee shall consist of at least one woman and one man. Committee Members shall be of a different member institution than the Complainant and Respondent.

90.20.3.12 "Timely manner" means such length of time as may fairly, properly or reasonably be required to execute an action or responsibility under this policy and where a specific time provision for doing so is not found.

#### 90.20.4 CONFIDENTIALITY

90.20.4.1 The Canadian Interuniversity Sport shall not disclose to outside parties the name of the parties or the circumstances giving rise to a complaint unless such disclosure is required by a disciplinary or remedial process or by law. The term "outside parties" does not include officers duly appointed by Canadian Interuniversity Sport under this policy.

#### 90.20.5 COMPLAINT PROCEDURE

90.20.5.1 Any person who believes he or she has been subjected to conduct which constitutes discrimination or harassment under this policy may contact Canadian Interuniversity Sport in order to make a complaint. The complaint will be referred to the Canadian Interuniversity Sport Harassment Advisor.

90.20.5.2 Complaints under this policy should normally be made within six (6) months of the incident(s). When the Complainant is under a direct supervisory relationship with the Respondent at the time of the incident(s) giving rise to a complaint, the six (6) month limitation period starts from the date the direct supervisory relationship ends.

90.20.5.3 The Harassment Advisor shall obtain from the Complainant a statement in writing outlining the details of the incident(s) and the names of witnesses. The statement should be dated and signed by the Complainant.

90.20.6 CONFLICT OF INTEREST

90.20.6.1 Where a complaint has been made under this policy, and where this gives rise to a conflict of interest for one or more parties in the complaint, Canadian Interuniversity Sport may make arrangements to separate the interests that are in conflict pending disposition of the complaint.

90.20.6.2 Where a complaint is made under this policy and the person who would normally deal with the complaint has a personal interest in the outcome of the complaint and otherwise has a conflict of interest, that person shall stand down and the responsibility for the carriage of the complaint will be delegated to a disinterested third party.

90.20.6.3 The Harassment Advisor shall inform the Complainant of:

- a) the options for pursuing a complaint under this policy or through other mechanisms;
- b) the availability of counseling, support and other resources provided by Canadian Interuniversity Sport and the complainant's member institution;
- c) the confidentiality provision of this policy; and
- d) the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process; and
- e) the immediate requirement to inform the Respondent of the complaint that has been filed as soon as possible.

90.20.7 INITIAL MEETING/ACTIONS TAKEN

The initial meeting between the Complainant and the Harassment Advisor will determine which, if any, of the following actions will be taken:

90.20.7.1 No further action

90.20.7.2 Complaint Filed

The Complainant writes a complaint. This will be signed and dated. The Respondent will receive a copy of the complaint, a copy of this policy and a notice that he or she has the right to be represented by any person of choice at any stage of the process when he or she is required or entitled to be present. The Respondent shall also be given an opportunity to provide a written response to the complaint.

90.20.7.3 Informal Resolution:

The Complainant may choose to pursue informal resolution of the complaint. The Harassment Advisor will assist the two (2) parties in negotiating an appropriate remedy.

90.20.7.4 Mediation:

If informal resolution fails or the Complainant has declined to make use of the informal resolution procedure, the Complainant may choose to pursue mediation. For mediation to proceed under this policy, the Complainant and the Respondent must both agree upon:

- (a) the use of mediation; and
- (b) the selection of the mediator.

90.20.7.5 Notes and Records:

When no action has been taken, or when a complaint has been resolved through informal resolution or mediation, the Harassment Advisor will make a written record that a complaint was made and will describe the disposition of the complaint. A copy of the record shall be retained by Canadian Interuniversity Sport for a period of 7 years.

90.20.7.6 Investigation:

90.20.7.6.1 If mediation fails or where one or more parties to a complaint declines the use of mediation, the Complainant may request that a formal investigation be conducted.

90.20.7.6.2 If the Harassment Advisor believes that there is prima facie evidence of harassment or discrimination but the Complainant does not wish to proceed with a complaint or investigation, the Harassment Advisor must decide if the alleged harassment or discrimination is serious enough to warrant laying a complaint, even if it is against the wishes of the Complainant. When the Harassment Advisor decides that the evidence and surrounding circumstances require an investigation, the Harassment Advisor will draw up a statement of allegations. The Canadian Interuniversity Sport will pursue the complaint as Complainant. Copies of the complaint will be provided to the original Complainant and the Respondent.

90.20.8 INVESTIGATION

90.20.8.1 Upon receiving notice from the Harassment Advisor that the Complainant has requested a formal investigation, the President shall appoint a Harassment Investigator to investigate the complaint. The Harassment Investigator will:

- a) Review and clarify with the Complainant their written statement, including the specific details of the complaint;
- b) Ensure that the Complainant and the Respondent have a copy of the written complaint.

90.20.8.2 The Harassment Investigator shall conduct an investigation and prepare a report for the Disciplinary Committee in a timely manner.

90.20.9 THE INVESTIGATION REPORT

90.20.9.1 The Investigation Report from the Harassment Investigator should contain:

- a) a summary of the allegations;
- b) a finding of fact(s) as to whether the allegations in the written complaint have been substantiated by the evidence; and
- c) recommended remedial action (such as systemic changes), if any.

90.20.9.2 On completion of the report, the Harassment Office shall forward a copy of the Investigation Report to the Complainant, the Respondent, the Harassment Advisor and the Disciplinary Committee.

90.20.10 DISCIPLINE

90.20.10.1 The Discipline Committee shall receive the Investigation Report of the Harassment Investigator. The Respondent shall be allowed to submit a response, within 10 days, to the Harassment Investigator's Investigation Report for consideration by the Discipline Committee.

90.20.10.2 After considering the Investigation Report, the Discipline Committee shall:

- a) make a determination as to whether the Respondent has engaged in conduct constituting harassment or discrimination; and
- b) if the Discipline Committee determines that the Respondent has engaged in conduct constituting harassment, order such remedy or sanction as is appropriate in the circumstances.

90.20.10.3 If the Discipline Committee determines that the Complainant has made a vexatious complaint or knowing it to be false, it may order such remedies or sanctions as is appropriate in the circumstances.

90.20.10.4 When considering the remedy, the Discipline Committee may consider a range of remedies as it considers appropriate to the circumstances, which include, but are not limited to:

- a) an apology;
- b) education & training in harassment issues;

c) removal of certain privileges up to and including expulsion or dismissal.

90.20.10.5 The Discipline Committee shall, after it has made its decision, inform the Complainant, the Respondent, the Harassment Investigator and the Harassment Advisor of its decision with reason.

90.20.11 APPEALS

The decision of the Discipline Committee may be appealed in accordance with Canadian Interuniversity Sport Policy 90.40.

90.20.12 RECORD KEEPING

A copy of the complaint, investigation notes, correspondence and reports by the Harassment Investigator and the Disciplinary Committee shall be placed in the Harassment Advisor's files. These files shall be kept confidential and access to them shall be restricted to the Canadian Interuniversity Sport Harassment Advisor(s), Canadian Interuniversity Sport Chief Executive Officer and Canadian Interuniversity Sport Harassment Investigators. These files shall be retained for a period of seven (7) years, unless new circumstances dictate that the report should be kept for a longer period of time.

## **Policies and Procedures** **90 – Conduct and Enforcement**

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<b>Policy Number:</b>	<b>90.30</b>
<b>Name:</b>	<b>Complaints, Investigation and Discipline Policy</b>
<b>Origin:</b>	<b>Board of Directors</b>
<b>Approved:</b>	<b>June 1999</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	<b>June 2002, June 2003, June 2004, June 2007</b>

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90.30.1      DEFINITIONS

- 90.30.1.1      Complainant – an individual engaged in activities with Canadian Interuniversity Sport who initiates a complaint or self-disclosure under this policy; in the case of a self-disclosure, the Complainant is also the Respondent.
- 90.30.1.2      Respondent – an individual against whom a complaint has been laid; or the respective Director of Athletics of a member institution against which a complaint has been laid.
- 90.30.1.3      Affected Parties – means the Complainant, Respondent, the respective Director of Athletics (or equivalent), institution president (or equivalent), Regional Association president of both the Complainant and Respondent, the designate of the President of Canadian Interuniversity Sport, or others at the discretion of the Committee Chairperson.
- 90.30.1.4      The Discipline Committee (the Committee) – includes the four respective Regional Association representatives on the Canadian Interuniversity Sport Board of Directors, and three individuals from the Canadian Interuniversity Sport membership, as designated annually by the Canadian Interuniversity Sport President; one of the three designated individuals will serve as Chairperson; quorum shall consist of any 3 of the 7 members and will exclude those individuals determined to be in a conflict of interest by the Chairperson.
- 90.30.1.5      Record – means the formal charge, the report of the Investigator, and any other documentation that the designate of the Canadian Interuniversity Sport President may have considered in making its determination that a formal charge should be laid.

90.30.2 APPLICATION

90.30.2.1 As a legal entity, Canadian Interuniversity Sport has the authority to establish policies to govern its own affairs and to prescribe, monitor and enforce the conduct of its members and all individuals involved in Canadian Interuniversity Sport activities pursuant to such policies.

90.30.2.2 All Canadian Interuniversity Sport members, and all individuals involved in Canadian Interuniversity Sport activities, shall conduct themselves in a manner consistent with the By-laws, principles, policies, rules, regulations and ethical standards set out in Canadian Interuniversity Sport's governing documents. Those who fail to meet or breach this standard, through a violation or infraction of any of the above, shall be subject to the disciplinary sanctions identified within this policy.

90.30.2.3 This Canadian Interuniversity Sport Complaints, Discipline and Investigation Policy shall not be used and shall not apply to complaints where the Complainant is a student and where the matter or issue complained of relates directly or exclusively to the student's institution or to matters solely involving the student's relationship or involvement with employees, contractors, partners or agents of that institution. All such complaints involving student Complainants shall be resolved using the dispute resolution processes and procedures adopted by the student's institution. The CEO of Canadian Interuniversity Sport shall determine, in his or her sole discretion, whether this Policy applies on a case by case basis and this decision may not be appealed.

90.30.3 COMPLAINTS and SELF-DISCLOSURES

90.30.3.1 Complainants should recognize the serious implications of initiating a formal complaint and the inherent need for confidentiality. A decision to initiate a formal complaint should only occur with the complete understanding of the ramifications for all parties concerned and the Complainant's requirement to produce substantive evidence which justifies the formal complaint.

90.30.3.2 Complaints may also be initiated through self-disclosure, where a complainant voluntarily discloses a breach of Canadian Interuniversity Sport rules by one or more individuals associated with the complainant's institution.

90.30.3.3 Complaints, which include self-disclosures, shall be directed to the Director, Operations and Development, who shall forward it within 7 days to the designate of the Canadian Interuniversity Sport President. Complaints shall be in writing and shall:

- a) identify the date or dates of the alleged breach;
- b) identify the place of the alleged breach, if relevant;
- c) provide the name(s) and address of the Complainant and the name of the person to whom all future notices regarding the complaints and subsequent charges are to be sent;
- d) provide the name of the Member against whom the complaint is made;

- e) identify the By-law, principle, policy, rule, regulation, practice or ethical standard of Canadian Interuniversity Sport alleged to have been breached;
- f) include a precise and concise statement of the facts and circumstances of the alleged breach;
- g) include any other information which the complainant considers relevant; and
- h) be signed by the Complainant.

90.30.3.4 As a condition of launching a complaint or an appeal the complainant and respondent agree to a total media ban during the proceedings. The intent of such a ban is to have the dispute resolved in a procedurally fair manner. The final result of a hearing/appeal shall be made public.

#### 90.30.4 DETERMINATION OF A FORMAL CHARGE

90.30.4.1 Within 7 days of receiving the written complaint, the designate of the Canadian Interuniversity Sport President shall consider the complaint to determine whether or not to initiate an investigation and what the scope of that investigation should be in order to proceed with this policy, specifically, to determine whether or not to prepare a formal charge.

90.30.4.2 If an investigation is not deemed necessary, the designate of the Canadian Interuniversity Sport President shall, within 14 days of receiving the complaint, determine whether or not a formal charge should be prepared; in these instances, this policy shall proceed to item 90.30.4.9.

90.30.4.3 If an investigation is deemed necessary, and depending on the nature and severity of the complaint, the designate of the Canadian Interuniversity Sport President may appoint a Canadian Interuniversity Sport staff person and/or an independent investigator to investigate the complaint.

90.30.4.4 Upon the ordering of an investigation, the designate of the Canadian Interuniversity Sport President shall send a letter to the Affected Parties indicating that an investigation into the matter has been authorized.

90.30.4.5 All individuals affiliated with a member institution shall cooperate fully with the investigation, shall allow the investigator to interview such personnel as he or she wishes, and shall provide copies of any documents which the investigator requests. The failure of any individual affiliated with a member institution to cooperate fully may itself give rise to a complaint and be grounds for a formal charge.

90.30.4.6 The investigator shall conduct the investigation in a timely manner and at the conclusion of the investigation shall provide a written report to the designate of the Canadian Interuniversity Sport President.

- 90.30.4.7 The designate of the Canadian Interuniversity Sport President shall, within 7 days of receiving the investigation report, consider the report and determine whether or not a formal charge should be prepared.
- 90.30.4.8 If the investigation has revealed additional or different breaches by any other individual(s) affiliated with the member institution against whom the complaint has been made, then the designate of the Canadian Interuniversity Sport President may, in his or her discretion, include these breaches in any formal charge.
- 90.30.4.9 If the designate of the Canadian Interuniversity Sport President determines that there are no grounds for a formal charge, he or she shall immediately advise the Affected Parties. At his or her discretion, the Canadian Interuniversity Sport President designate may levy costs of any investigation against the Complainant.
- 90.30.4.10 If the designate of the Canadian Interuniversity Sport President determines that there are grounds for a formal charge, within 7 days, he or she shall prepare the charge in writing setting out the same information as is required to be set out in a complaint under Section 90.30.3.3 of this policy.
- 90.30.4.11 Following preparation of the formal charge, a copy of the Record shall be sent immediately to the Affected Parties and the Discipline Committee.
- 90.30.4.12 Notwithstanding the forgoing sections in 90.30.4, if the formal charge prepared by the designate of the Canadian Interuniversity Sport President (the designate) is related to an institution's inadvertent administrative mistake or error (an "administrative infraction") the designate may exempt the institution from the discipline hearing otherwise specified to take place pursuant to section 90.30.5.**

**Provided, in the exercise of the designate's discretion, the administrative infraction satisfies any of the following pre-conditions, (a) the administrative infraction is the first mistake or error of this nature made by the institution, or, (b) it is a mistake or error that is not regularly and consistently occurring at the institution, or, (c) the mistake and error is not consistent with previous violations by the institution, in this event the designate shall have the authority to determine on a case by case basis, in the exercise of the designate's discretion, which of these administrative infractions may be resolved in a summary fashion by means of a letter of warning and/or a fine not to exceed \$2,500. Any letter of warning issued by Canadian Interuniversity Sport to the member institution shall require that the institution indicate to Canadian Interuniversity Sport precisely how the institution's administrative systems and procedures have been amended to prevent a similar administrative infraction from occurring in the future. In addition to any fine imposed, the member institution may also be levied the reasonable direct or indirect costs of the Canadian Interuniversity Sport National Office, or any portion thereof, to resolve the matter. A copy of the Record shall be sent immediately to the Affected Parties.**

90.30.5 DISCIPLINE HEARING

- 90.30.5.1 The Committee shall convene a discipline hearing to hear the charge and to determine what sanctions, if any, are to be imposed as soon as possible, but not more than 28 days after receiving the Record. The parties to the hearing are the Affected Parties.
- 90.30.5.2 At its discretion, the Committee may determine that the circumstances of the formal charge warrant a preliminary conference among the parties. In addition to discussing all matters pertaining to the coordination of the discipline hearing during this conference, all questions regarding the scope of the formal charge are discussed so as to preclude the introduction of new information at the discipline hearing. The parties shall be given 14 days written notice of the time and place of the preliminary conference, and the Committee may delegate to one of its members the authority to deal with the matters of the preliminary conference.
- 90.30.5.3 The Committee shall conduct the discipline hearing by way of a review of documentary evidence and an oral hearing. The oral hearing may be conducted in-person or by means of telephone conference.
- 90.30.5.4 The Committee shall govern the discipline hearing as it sees fit, provided that:
- a) The Affected Parties shall be given 14 days written notice of the time and place of the hearing;
  - b) Canadian Interuniversity Sport staff shall not be a voting member of the Committee;
  - c) Members of the Discipline Committee who are employees of the Complainant or the Respondent shall excuse themselves from the Committee;
  - d) Quorum shall be three voting members;
  - e) Decisions shall be by majority vote where the Chairperson carries a vote;
  - f) The hearing shall be held in private;
  - g) The parties to the hearing may be accompanied by legal counsel;
  - h) The Discipline Committee shall consider the Record and any other evidence submitted by the parties;
  - i) The Discipline Committee may request that the Investigator participate in the hearing;
  - j) The Discipline Committee may request that any witness, including the Complainant, be present at the hearing or submit written evidence in advance of the hearing;
  - k) Should the Respondent wish not to participate in the hearing or to waive the 14 day written notice, the Respondent must provide a written statement that is signed by all individuals named in the formal charge.
  - l) The Complainant bears the onus to prove that the complaint is substantiated on a balance of probabilities.
- 90.30.5.5 Upon hearing the matter, the Committee shall determine whether the charge has been satisfied, and if it has, the appropriate penalty to be imposed. The Committee's written decision, with reasons, shall be distributed to the Affected Parties within 14 days of the conclusion of the hearing.

90.30.6 DETERMINATION OF SANCTIONS

90.30.6.1 The penalties that may be imposed for a breach by a member institution, as opposed to an individual, include any one or combination of the following:

- a) Reprimand or warning;
- b) Probation for a period not exceeding two years during which time a member may continue to participate in a particular sport or sports, but may be subject to one or more of the following limitations:
  - The team in question may not be included in the Top Ten rankings for that sport or be ranked for purposes of selection for participation in playoffs;
  - The team in question may not be considered for an assigned berth position at a National Championship;
  - The team in question may not be accommodated in any regularly scheduled television package, exclusive of the final championship game;
- c) Suspension of a member from participating in all competition, or from competition in a particular sport or sports, for a period not exceeding two years;
- d) Forfeiture of all competition played in the sport in which the violation occurred, for the season in which the violation occurred;
- e) Forfeiture of all competition played by the member in all sports occurring during the season in which the violation occurred;
- f) Ineligibility for competition within the Regional Association;
- g) Ineligibility for national competition;
- h) Ineligibility for appearance on any television programs subject to Canadian Interuniversity Sport contract;
- i) Recommendation to the General Assembly for the suspension/termination of the member from Canadian Interuniversity Sport;
- j) Levying a fine not less than \$500 and not more than \$5,000;
- k) Requirement that the institution make restitution for any damage caused;
- l) Requirement for written undertakings;
- m) Ordering that letters of apology be sent to members or individuals affected by the breach;
- n) Requiring that the member undertake any procedural, structural or other changes in order to minimize the chance of future violations;
- o) The levying of costs of the hearing against the Respondent, which shall include all travel and accommodation costs incurred by Canadian Interuniversity Sport, and all disbursements relating to the investigation, preparation of the charge, hearing and distribution of the decision including meeting space rental, long-distance telephone and fax charges, postage and courier costs, photocopying costs and other directly-related administrative expenses;
- p) Other penalties as may be considered appropriate for the offense.

90.30.6.2 The penalties that may be imposed for a breach by an individual affiliated with a member institution include any one or combination of the following:

- a) Reprimand or warning;
- b) Suspension of the individual from further participation in any or all Canadian Interuniversity Sport sports or activities, including Canadian Interuniversity Sport committees, for a fixed or indefinite period of time, with or without conditions for reinstatement;
- c) Requirement that the individual make restitution for any damage caused;
- d) Ordering that the individual apologize in person or in writing to any person affected by the breach;
- e) Rescind any Canadian Interuniversity Sport record or title awarded to the individual.
- f) Other penalties as may be considered appropriate for the offense.

90.30.6.3 In determining penalties, the Committee may have regard to the following aggravating or mitigating circumstances, where applicable:

- a) self-disclosure, or lack thereof, of the breach;
- b) the nature and severity of the breach;
- c) the extent to which others have been harmed by the breach;
- d) the cooperation of the Respondent in the proceedings under this policy;
- e) the degree to which the breach was pre-meditated;
- f) the degree to which the breach involved the cooperation of an employee of the Member institution, where the Respondent is an institution;
- g) the position and authority of the involved employee, where the Respondent is an institution;
- h) the age, maturity and experience of the Respondent, where the Respondent is an individual;
- i) the Respondent's acknowledgment of responsibility for the breach, where the Respondent is an individual;
- j) the Respondent's remorse and post-breach conduct, where the Respondent is an individual;
- k) prior findings and circumstances of similar or related breaches of the Respondent.

90.30.6.4 Decisions of the Committee regarding penalties for a breach shall be a matter of public record and shall be circulated to all member institution Directors of Athletics. In those instances where a student-athlete is an affected party, the following will be considered a matter of public record:

- a) the student-athlete's name
- b) the regulation(s) that the student-athlete had breached
- c) any general acknowledgements or self-disclosure by the athlete, excluding specific details contained within the student-athlete's academic transcript, and any other information deemed confidential by the Committee.

90.30.6.5 Unless the Committee decides otherwise, any penalty shall commence immediately.

90.30.6.6 Failure to comply with a penalty shall result in immediate suspension from participation in any and all activities of Canadian Interuniversity Sport, until such

time as the Respondent complies. Failure to comply may also give rise to a complaint and the laying of a formal charge.

90.30.7 APPEALS PROCEDURE

90.30.7.1 The decision of the Committee may be appealed in accordance with Policy 90.40 Appeals.

## **Policies and Procedures**

### **90 – Conduct and Enforcement**

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<b>Policy Number:</b>	<b>90.40</b>
<b>Name:</b>	<b>Appeals Policy</b>
<b>Origin:</b>	<b>Board of Directors</b>
<b>Approved:</b>	<b>June 1999</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	<b>June 2002, June 2004, June 2005, June 2007</b>

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#### 90.40.1      DEFINITIONS

90.40.1.1      Member – for the purposes of this policy any category of member of Canadian Interuniversity Sport, as well as any individual engaged in activities with Canadian Interuniversity Sport.

90.40.1.2      Appellant – the Member appealing a decision.

90.40.1.3      Respondent – the body or individual whose decision is being appealed.

#### 90.40.2      SCOPE OF APPEAL

90.40.2.1      Any Member who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, shall have the right to appeal that decision pursuant to this Policy.

90.40.2.2      Decisions which may be appealed include, but are not limited to, those involving discipline, membership, awards, eligibility rules, contract matters, or harassment and discrimination.

90.40.2.3      This policy shall not apply to the following decisions, which may not be appealed:

- a) relief from eligibility rules for compassionate reasons,
- b) field of play playing rules and regulations,
- c) suspension/termination of membership for failure to pay dues, fines, penalties or other levies,

- d) infractions for doping offenses, which have their own procedures for appeal separate from Canadian Interuniversity Sport. CIS has adopted the Canadian Policy on Doping in Sport.

90.40.2.4 Each appeal shall be accompanied by a payment of \$500 which is non-refundable.

90.40.2.5 As a condition of launching a complaint or an appeal the complainant and respondent agree to a total media ban during the proceedings. The intent of such a ban is to have the dispute resolved in a procedurally fair manner. The final result of a hearing/appeal shall be made public.

90.40.2.6 Choice of appeal process: If the Appellant and the Respondent mutually agree to take part in an alternative appeal process, and if both parties sign an arbitration agreement confirming their intent to submit to binding arbitration, the appeal may be referred to arbitration pursuant to the The Sport Dispute Resolution Centre of Canada (SDRCC) program. In that case, the appeal will be adjudicated by a single arbitrator, subject to the arbitrator appointment rules and processes contained in the SDRCC Code.

#### 90.40 TIMING OF APPEAL

90.40.3.1 Members who wish to appeal a decision shall have 21 days from the date on which they received notice of the decision, to submit written notice of their intention to appeal, along with detailed reasons for the appeal, to the Chief Executive Officer (CEO).

90.40.3.2 Any party wishing to initiate an appeal beyond the 21 day period must provide a written request stating reasons for an exemption to the requirement of Section 90.40.3.1. The decision to allow, or not allow an appeal outside the 21 day period shall be at the sole discretion of the CEO and may not be appealed.

#### 90.40 GROUNDINGS FOR APPEAL

90.40.4.1 A decision cannot be appealed on its merits, and may only be appealed by raising allegations of procedural error. Sufficient procedural grounds include allegations the Respondent:

- a) made a decision for which it did not have authority or jurisdiction as set out in Canadian Interuniversity Sport's governing documents;
- b) failed to follow procedures as laid out in the By-laws or approved policies of Canadian Interuniversity Sport;
- c) made a decision which was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views;
- d) exercised its discretion for an improper purpose.

#### 90.40.5 APPEALS PANEL

90.40.5.1 Within 10 (ten) working days **of receipt of written notice of intent to appeal**, the CEO shall establish an Appeals Panel (the “Panel”) comprised of three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the decision being appealed, and shall be free from any other actual or perceived bias or conflict. The Panel’s members shall select from themselves a Chairperson. The Panel may be advised by legal counsel in the sole discretion of the CEO.

90.40.6 SCREENING OF APPEAL

90.40.6.1 Within 15 (fifteen) **working days of appointing the Appeal Panel, the Panel** shall decide whether or not the appeal appears to be based on one or more of the categories of possible errors by the Respondent as set out in Section 90.40.4.1.

90.40.6.2 If the appeal is denied on the basis of insufficient grounds, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the **Appeal Panel** and may not be appealed.

90.40.6.3 At the CEO and/or board’s **or Appeal Panel’s discretion**, an independent screening of the file being appealed may take place, prior to determining whether to proceed with the appeal. The independent overseer/s should consider carefully if there are merits to the appellant’s complaints (based on the grounds of appeal) such that proceeding with the appeal may be unwise. If there are situations identified by the reviewer/s as being potentially problematic on an appeal, this advice can be communicated to the CEO, and CIS would have the option of calling no evidence on the appeal or otherwise trying to settle the matter.

90.40.7 FORMAT OF APPEAL

90.40.7.1 Once appointed, the Panel shall determine the format for the appeal. The Panel may decide to conduct the appeal by way of oral hearing, by way of documentary evidence, or by way of a combination of these two methods.

90.40.8 PRELIMINARY CONFERENCE

90.40.8.1 The Panel may determine that the circumstances of the dispute warrant a preliminary conference. The matters which may be considered at a preliminary conference include:

- a) format of the appeal;
- b) timelines for exchange of documents;
- c) clarification of issues in dispute;
- d) clarification of evidence to be presented to the Panel;
- e) order and procedure of hearing;
- f) identification of witnesses; and
- g) any other procedural matter which may assist in expediting the appeal proceedings.

90.40.8.2 The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

90.40.9 PROCEDURE FOR THE HEARING

90.40.9.1 Where the Panel has determined that the appeal shall be held by way of oral hearing, the Panel shall govern the hearing by such procedures as it deems appropriate, provided that:

- a) The hearing shall be held within 30 days of the Panel's appointment.
- b) The Appellant and Respondent shall be given 10 days written notice of the date, time and place of the hearing.
- c) Subject to i), a quorum shall be three Panel members.
- d) Decisions shall be by majority vote, where the Chairperson carries a vote.
- e) Copies of any written documents which any of the parties would like the Panel to consider shall be provided to all members of the Panel, and to all other parties, at least 5 days in advance of the hearing.
- f) If the decision of the Panel may affect another party to the extent that they would have recourse to an appeal in their own right, that party shall become a party to the appeal in question.
- g) Any of the parties may be accompanied by a representative or advisor, including legal counsel.
- h) The Panel may direct that any other person participate in the appeal.
- i) In the event that one of the Panel's members is unable or unwilling to continue with the appeal, the matter shall be concluded by the remaining two Panel members, who shall make their decision by unanimous vote.
- j) Unless otherwise agreed by the parties, there shall be no communication between Panel members and the parties except in the presence of, or by copy to, the other parties.

90.40.9.2 In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone or video conference.

90.40.10 PROCEDURE FOR DOCUMENTARY APPEAL

90.40.10.1 Where the Panel has determined that the appeal shall be held by way of documentary evidence, it shall govern the appeal by such procedures as it deems appropriate provided that:

- a) All parties are given an opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal.
- b) The applicable principles and timelines set out in Section 90.40.9.1 are respected.

90.40.11 EVIDENCE WHICH MAY BE CONSIDERED

As a general rule, the Panel shall only consider that evidence which was before the original decision-maker. At its discretion the Panel may hear new evidence which is material and which was not available at the time of the original decision.

90.40.12 APPEAL DECISION

90.40.12.1 Within 14 days of concluding the appeal, the Panel shall issue its written decision, with reasons. In making its decision, the Panel shall have no greater authority than that of the original decision-maker. The Panel may decide:

- a) To void or confirm the decision being appealed;
- b) To vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons which include, but are not limited to, lack of clear procedure, lack of time, or lack of neutrality;
- c) To refer the matter back to the initial decision-maker for a new decision; and
- d) To determine how costs of the appeal shall be allocated, if at all.

90.40.12.2 A copy of this decision shall be provided to each of the parties and to the CEO.

90.40.13 TIMELINES

90.40.13.1 If the circumstances of the dispute are such that this policy will not allow a timely appeal, the CEO may direct that these timelines and processes be abridged. If the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be extended.

90.40.13.2 For extraordinary situations which require an immediate resolution, as determined by the CEO or the President in their sole discretion, the President and CEO and a third person independent of the dispute shall convene a conference call of the affected parties. After hearing all affected parties' versions of the events, an oral decision will be rendered within 24 hours. The decision shall be by majority vote. If the President or CEO is in a conflict situation they shall be replaced by one of the Past President/President Elect and/or one of the vice-presidents of Canadian Interuniversity Sport.

90.40.14 FINAL AND BINDING

90.40.14.1 The decision of the Panel shall be final and binding on the parties and on all members of Canadian Interuniversity Sport and there shall be no recourse to the Courts on any question of either fact or law.

## **Policies and Procedures**

### **90 – Conduct and Enforcement**

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<b>Policy Number:</b>	<b>90.50</b>
<b>Name:</b>	<b>Alternative Dispute Resolution (ADR)</b>
<b>Origin:</b>	<b>Board of Directors</b>
<b>Approved:</b>	<b>June 1999</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	<b>June 2002, June 2004, June 2006</b>

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- 90.50.1 Canadian Interuniversity Sport supports the principles of the Alternative Dispute Resolution and is committed to the techniques of mediation and arbitration as effective ways to resolve disputes with its members, and avoid the harm of litigation.
- 90.50.2 Accordingly, opportunities for ADR may be pursued at any point in a dispute where it is appropriate for the dispute in question and where the disputing parties each agree that such a course of action would be mutually beneficial and mutually agreeable.
- 90.50.3 As a condition of agreeing to enter into arbitration, CIS can require the other party(ies) to agree to have the dispute heard in an accelerated fashion.
- 90.50.4 The decision to pursue arbitration shall be at the discretion of the:  
a) Executive Committee, or, if in conflict,  
b) Board of Directors;  
who shall be empowered to enter into an arbitration agreement on behalf of CIS.
- 90.50.5 If arbitration is pursued, the services provided by the Sport Dispute Resolution Centre of Canada (SDRCC) shall be used.

## **Policies and Procedures**

### **90 – Conduct and Enforcement**

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<b>Policy Number:</b>	<b>90.60</b>
<b>Name:</b>	<b>Code of Ethics</b>
<b>Origin:</b>	<b>General Assembly</b>
<b>Approved:</b>	
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	<b>June 2005</b>

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90.60.1     PREAMBLE

Canadian Interuniversity Sport is committed to the highest ethical behaviour in all of its activities. The following principles and guidelines are intended for all Canadian Interuniversity Sport Members: coaches, athletes and administrators. They reflect values, attitudes and behaviours desired and accepted by the Membership of Canadian Interuniversity Sport. These principles and guidelines do not limit the possibility of other ethical considerations not covered by these guidelines.

90.60.2     General Principles

90.60.2.1    Respect for all participants is a mandate within interuniversity sport reflected through the interactions with athletes, communication and decision making. Fundamental to this principle is that each person has value and is worthy of respect (refer to Policy 80.30 Harassment and Discrimination and Policy 80.10 Equity and Equality).

90.60.2.1.1 Guidelines:

90.60.2.1.1.1 Treat individuals in sport with respect at all times.

90.60.2.1.1.2 Provide feedback to others in a caring manner that is sensitive to their needs.

90.60.2.1.1.3 Do not engage in demeaning descriptions of others in sport.

90.60.2.1.1.4 Recognize rights of others.

- 90.60.2.1.1.5 Treat all participants in sport equitably regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status or any other conditions.
  - 90.60.2.1.1.6 Use appropriate, respectful and gender neutral language for individuals in all situations.
  - 90.60.2.1.1.7 Do not practice, condone, ignore, facilitate or collaborate with any form of unjust discrimination.
  - 90.60.2.1.1.8 Encourage and facilitate participants' abilities to be responsible for their own behaviour, performance and decisions.
  - 90.60.2.1.1.9 Respect as much as possible the autonomy, opinions and wishes of others regarding decision making processes which affect them.
- 90.60.2.2 Responsible leadership is a priority in ensuring the full development of individuals as a whole. Inherent within the implementation of this principle is the notion of competence whereby personnel will maximize benefits and reduce risks to participants by being well prepared and current within the field of sport.
- 90.60.2.2.1 Guidelines:
- 90.60.2.2.1.1 Achieve a high level of professional competence.
  - 90.60.2.2.1.2 Recognize the pressures of academics and athletic excellence placed on athletes and provide leadership that fosters a positive experience.
  - 90.60.2.2.1.3 Ensure that programs are appropriate for developing individuals to their full potential by taking into account the physical, psychological and social development of athletes.
  - 90.60.2.2.1.4 Abstain from and refuse to tolerate all forms of harassment, including sexual harassment (refer to Policy 10.50. "Harassment & Discrimination").
- 90.60.2.3 Exhibit fair play to those involved in any sport offered by Canadian Interuniversity Sport and its delivery at all times. Integrity, honesty, sincerity, and honourability should consistently be upheld in relations with others by athletes, coaches, officials, event workers, volunteers and administrators.
- 90.60.2.3.1 Guidelines:
- 90.60.2.3.1.1 Actively discourage in a supportive environment the use of performance enhancing drugs (See Policy 80.20 - Drug Education & Doping Control).
  - 90.60.2.3.1.2 Ensure orderly conduct of all participants in any athletic event by acknowledging the authority of officials.

90.60.2.3.1.3 Know the rules, regulations, standards of the sport, support and abide by them.

90.60.2.4 Advocate the fundamental values of sport to those involved in any sport offered by Canadian Interuniversity Sport, such as, human excellence, fair play, honest competition, self discipline, integrity, personal growth, achievement as invaluable attributes for Canadian society.

90.60.2.4.1 Guidelines:

90.60.2.4.1.1 Accept and actively encourage both the spirit and the letter of the rules governing the sport and Canadian Interuniversity Sport.

90.60.2.4.1.2 Maintain the highest standards of personal conduct and project an image that reflects the values of Canadian Interuniversity Sport to athletes, coaches, officials, spectators, families, alumni, media and the general public.

90.60.2.4.1.3 Bring incompetent or unethical behaviour to the attention of the appropriate authority in a manner consistent with these guidelines, if informal resolution or correction of the situation is not appropriate or possible.

90.60.3 PUBLIC IMAGE OF UNIVERSITY SPORT

90.60.3.1 It is understood that all decisions arrived at through the democratic process will not be completely satisfactory or be completely acceptable to all Directors of Athletics or to all coaches. Regardless of any personal feelings or beliefs one may have pertaining to a particular matter, it is expected that the individual concerned will follow the due process to achieve any desired change.

90.60.3.2 It is most important for the continual development and credibility of interuniversity sports that all 'differences' are settled through the procedures provided for such and that a united and supportive position is projected at all times to the general public and in particular to the news media.

90.60.3.3 Directors of Athletics or coaches who use outside sources to express their grievances or disagreement should expect to be sanctioned for such action.

90.60.4 CODE OF CONDUCT AT CANADIAN INTERUNIVERSITY SPORT EVENTS

90.60.4.1 General Principle

It is the expectation of Canadian Interuniversity Sport that persons representing Member institutions, and/or Canadian Interuniversity Sport, at Canadian Interuniversity Sport events will behave responsibly, and with propriety, and in accordance with the laws of the land.

90.60.4.1.1 Procedures Regarding Misconduct

90.60.4.1.1.1 Where misconduct occurs at a Canadian Interuniversity Sport event (including travelling to and from the event, practice days and competition days), the Chief Executive Officer, assisted by the event Convenor when one exists, shall:

- a) Investigate the particulars of the incident that gave rise to the misconduct;
- b) Determine the amount and type of damage to property or injury to persons;
- c) Identify the persons and institutions responsible for the incident; and
- d) Summarize this information in a written report.

90.60.4.1.1.2 The Chief Executive Officer shall provide a copy of the written report to the President, who may bring a complaint in accordance with Canadian Interuniversity Sport Policy 90.30 - Discipline. A copy of the written report shall be provided to the Directors of Athletics of the institutions involved.

90.60.4.1.2 Notwithstanding the procedures described in policy 90.60.4.1.1 the CIS Championship Management Committee shall have the power and jurisdiction to take interim on-the-spot measures to address minor code of conduct issues that arise at CIS Championships, in a timely fashion. The record of the incident, including the interim measures taken to address it shall be copied to the Athletic Director(s) of the affected school(s), and the CIS office and Discipline Committee.

## **Policies and Procedures**

## 90 – Conduct and Enforcement

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<b>Policy Number:</b>	<b>90.70</b>
<b>Name:</b>	<b>Relief from CIS Policies</b>
<b>Origin:</b>	<b>Board of Directors</b>
<b>Approved:</b>	<b>February 2007</b>
<b>Approval Process:</b>	<b>General Assembly</b>
<b>Revision Date(s):</b>	

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### 90.70.1 PRINCIPLE

The principle is one of fairness. While CIS policies/regulations are appropriate in the vast majority of instances, they can also be blunt instruments. Fairness demands that one look carefully at circumstances, take into account the significant variations, and look carefully at context and local environment.

At times it may be more appropriate to use good judgment, and to focus on learning and improvement, rather than simply rigidly applying a policy and imposing a punishment.

### 90.70.2 PROCESS

#### 90.70.2.1 Standard Model

- 90.70.2.1.1 The member writes/e-mails/speaks to CIS with a request and rationale to vary a policy.
- 90.70.2.1.2 The CIS staff member who oversees the area related to the policy, reviews the request, and gathers any additional pertinent information, precedents etc.
- 90.70.2.1.3 The CIS staff member, and two non-involved volunteers from a related CIS committee (if one exists), or the CIS board (if no related committee exists), reviews the documentation, and renders a recommendation to the CIS Executive Committee.
- 90.70.2.1.4 The CIS Executive Committee approves / defeats the recommendation.

### **90.70.2.2 Fast Track Model**

**In instances when the outcome to provide relief from the rule is not in doubt because it is simply the right thing to do given the circumstances, and because the nature of the issue is not significant or substantial or controversial in nature, the following step will take place.**

- 90.70.2.2.1 CIS staff member makes the recommendation to provide relief from the policy. The recommendation is supported or denied by the President or the CEO (or other non-involved Executive Committee member).**

### **90.70.2.3 Transparency and Communication**

**On a quarterly basis, CIS staff shall report to the Board, outlining the requests received and decisions taken. This report would become part of Board minutes and available for review by the members through that vehicle.**

**If a decision to provide relief from a policy materially impacts any other school, beyond the institution submitting the request, that third party institution should be made aware of the request and the decision taken, in real time, as events unfold.**

### **90.70.2.4 Piloting**

**The implementation of the relief from policies process will be piloted for an 18 month period. Statistics will be kept which track number of requests received, and the time taken to process them. A decision to continue with or withdraw from this process will be made in June 2008.**

#### **Notes:**

- 1. This process would not replace the compassionate appeals or the notwithstanding processes.**
- 2. There may be some initial “acting and learning” as we begin to implement this process in the pilot period. At the conclusion of the pilot it can be refined to capture the key learnings.**
- 3. A short list of which if any CIS policies would not be open to relief will be accumulated and approved by the CIS board (i.e. total value of AFA restrictions).**