



Ottawa Lions Track and Field Club Policy on Harassment, Abuse and Sexual Misconduct

This policy establishes the responsibility of the Ottawa Lions Track and Field Club (hereinafter referred to as ‘the Club’) to protect members (including but not limited to athletes and coaches) as well as staff, parents, volunteers, spectators, officials, and community partners who may be involved with the activities of the Club from harassment, abuse and sexual misconduct.

1 Effective Date

1.1 This policy takes effect on March 21, 2020.

1.2 This policy replaces the following: *Ottawa Lions Club Policy on Harassment Prevention and Resolution*

2 Definitions

2.1 In this policy,

Abuse refers to a single, or repeated act or acts, or a lack of appropriate action, which causes harm or distress to another person. Abuse can take various forms including but not limited to physical, written, psychological, emotional, verbal and sexual. It can be intentional or unintentional.

Appellant refers to a Member who is appealing a lower decision.

Athlete workplace refers to any place where an individual, who is an athlete, participates in social or media functions, or training or competition related activities such as the athlete’s daily training environment, competition environments, training camps, and camp-related or competition-related travel.

Complainant refers to a Member who experiences, or alleges to have experienced, harassment, abuse or sexual misconduct, files a complaint, and is seeking remedy.

Complaint Investigation Committee refers to the Committee responsible for receiving, investigating, and deciding complaints of harassment, abuse, and sexual misconduct.

Cyberbullying refers to the willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices. Cyberbullying can include the following behaviours which may occur at various levels of severity:

- i. Teasing / belittling / name-calling;
- ii. Exclusion: Deliberately leaving certain individuals out of online social exchanges (e.g., instant messaging or email conversations);
- iii. Rumour-spreading;
- iv. “Flaming” or “bashing”: Verbally attacking an individual with belligerent or denigrating language (e.g., insults, bigotry, or other hostile expressions);
- v. Online harassment: Repeatedly sending offensive messages to an individual;
- vi. Cyberstalking: Online harassment that includes intimidation and/or threats of harm;
- vii. “Cyber-smearing”: Creating, posting and/or distributing sensitive, private and/or embarrassing information or images (including doctored images);
- viii. Impersonating someone or creating a false identity to deceive another individual (“catfishing”);
- ix. Rating aspects of an individual (e.g., appearance, character) on a rating site; and
- x. Creating derogatory websites that mock, torment, and harass the intended victim.

Days refers to total business days, irrespective of weekends or holidays and is the time by which an action must be complete.

Formal resolution process refers to a confidential complaint resolution proceeding as outlined in Appendix A of this Policy.

Harassment refers to a course of vexatious comments or conduct against an individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

- i. Written or verbal abuse, threats, or outbursts;
- ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
- iii. Leering or other suggestive or obscene gestures;
- iv. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- v. Practical jokes which endanger a person’s safety, or may negatively affect performance;
- vi. Bullying and cyberbullying;

- vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior ranking athlete by a more senior teammate, which does not contribute to either athlete's positive development, but is required to be accepted as part of a team, regardless of the junior-ranking athlete's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate based on class, number of years on the team, or athletic ability;
- viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- ix. Deliberately excluding or socially isolating a person from a group or team;
- x. Persistent sexual flirtations, advances, requests, or invitations;
- xi. Physical or sexual assault or abuse;
- xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment;
- xiii. Retaliation, reprisal or threats against a person who reports harassment. This includes, but is not limited to, interfering with the resolution of a harassment complaint, or retaliating against an individual for filing a complaint; and
- xix. Filing an unfounded, vexatious harassment complaint intended to cause harm.

Harassment can be a series of incidents but can also be one incident which has a lasting impact on an individual. It also includes harassment based on prohibited grounds of discrimination set out in section 1 of the *Ontario Human Rights Code*: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

Harassment, abuse and sexual misconduct prevention activities refers to activities which aim to reduce the potential for harassment, abuse or sexual misconduct, or reduce the perceptions of potential harassment, abuse and sexual misconduct. These include, but are not limited to

- i. communicating to all Members the informal and formal processes available to them to resolve issues related to harassment, abuse and sexual misconduct;
- ii. communicating to all Members the resources available to them;
- iii. informing all Members about the Club's commitment to a respectful conduct;

- iv. identifying risk factors;
- v. managing conflicts promptly;
- vi. promoting a culture of self-awareness, collaboration and respect;
- vii. providing appropriate training and tools to those who are involved in managing and resolving complaints; and
- viii. evaluating and analyzing the Club climate to ensure that is free from harassment, abuse and sexual misconduct.

Investigation Report refers to the written record of an investigation, completed by an independent Investigator appointed by the Club's Discipline and Investigation Committee.

Member refers to all individuals and entities engaged in activities with the Club (including, but not limited to, athletes; coaches; officials; volunteers; team managers; club administrators or staff, coaches or board members; committee members, directors and officers of the Club; employees; parents or guardians of athletes; spectators; and community partners).

Parties refers to the Complainant, Respondent, and any other individuals, persons, or organizations affected by the complaint or dispute.

Respondent refers to the individual or individuals which is the subject of a complaint or dispute.

Sexting refers to publishing, distributing, transmitting, selling or making available an intimate image of another person through technological means.

Sexual misconduct refers to conduct of a sexual nature that can cause or that causes harm to others. Sexual misconduct, includes but is not limited to

- i. Actions or words that devalue a person or group of persons on the basis of their sex, sexuality, sexual orientation, gender identity or expression;
- ii. Jokes of a sexual nature, sexual remarks, advances of a sexual nature or verbal abuse of a sexual nature;
- iii. Harassment of a sexual nature, including initiation rites of a sexual nature;
- iv. Viewing, accessing, distributing or displaying sexually explicit material (including but not limited to sexting); and

v. Any Criminal Code offence of a sexual nature or involving sexual abuse.

3. Application

3.1 This policy applies to all Members of the Club, as defined under Section 2 above.

3.2 For the purposes of this policy, sport and/or workplace harassment, abuse or sexual misconduct can occur in, but is not limited to, the following places:

- a) at sporting events and competitions, and in training practices;
- b) at the Club's training, office or storage facilities;
- c) at sport-related social functions;
- d) at the business functions of the Club, such as meetings, conferences, training sessions and workshops;
- e) during sport-related travel;
- f) through any form of communication device or system including but not limited to telephone, email, websites, social media, or postal service; and,
- g) any formal or informal location where the harassment, abuse or sexual misconduct towards a person as a result of their sport-related involvement.

4. Policy

4.1 The Club is committed to providing every individual involved in the sport of athletics with the opportunity to enjoy the benefits of their involvement -- be they related to recreation, social interaction, physical fitness, competition, volunteerism, or employment. Harassment, abuse and sexual misconduct, in their various forms, can interfere with the achievement of this objective. The Club is committed to encouraging a supportive sport environment and respectful workplace that is free of all forms of harassment, abuse and sexual misconduct, where Members contribute to the Club's goals with the knowledge that their personal aspirations and dignity will be respected.

Therefore, the Club prohibits all forms of harassment, abuse, and sexual misconduct as defined under Section 2. Members found to have engaged in conduct constituting harassment, abuse, or sexual misconduct shall be subject to the terms set out under this Policy and/or other applicable laws.

4.2 Standard of Conduct

All Members are expected to uphold our code of conduct and the highest standard of ethical, professional and respectful behaviour, as such harassment, abuse, and sexual misconduct in any form, as defined in Section 2, constitutes unacceptable behaviour and will not be tolerated.

4.3 Responsibilities of all Members

In accordance with the Standard of Conduct specified in this Policy, Members are expected to uphold the following:

4.3.1 The Duty to Maintain an Environment of Safe Sport

All Members are responsible for fostering a supportive sport environment and workplace that is safe, respectful and free of all forms of harassment, abuse, and sexual misconduct; reporting harassment, abuse and sexual misconduct; and cooperating with investigations and maintaining confidentiality related to the investigation process.

4.3.2 The Duty to Report

All Members who have reasonable grounds to suspect the occurrence of harassment, abuse or sexual misconduct, as defined above and as applicable under this Policy, have a responsibility to report the suspicion and any relevant information in accordance with the prescribed complaint procedure.

4.3.2.1 The Duty to Report - Harassment, Abuse or Sexual Misconduct of Minors

The Province of Ontario has mandatory reporting laws regarding the abuse and neglect of minors. Consequently, it is the policy of the Club that any employee, parent, guardian or Member who has reasonable grounds to suspect that a minor is or may be suffering or may have suffered from harassment, abuse or sexual misconduct shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment.

In Canada, a person is considered a minor up to the age of 16 to 19 years, depending on provincial legislation. Members understand and agree that harassment, abuse or sexual misconduct, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence may result in charges and fines under the law.

4.3.3 The Duty of Confidentiality

The Club recognizes that it can be extremely difficult to come forward with a complaint of harassment, abuse or sexual misconduct, and that it can be devastating to be wrongly accused. Therefore, in the interests of both the complainant and respondent, complaint proceedings will be treated as confidential to the greatest extent possible, consistent with

each party's right to procedural fairness. The Club and its representatives shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary decision, an outside remedial process or by law.

Despite the importance of a high degree of confidentiality in the conduct of the proceedings, due process requires an element of transparency. Accordingly, if the complaint is found to have merit, the final decision of the Complaint Investigation Committee will be made public. In doing so, the name(s) of the complainant(s) will be withheld, while the name of the respondent will be made public along with a summary of the judgment.

4.4 Specific Responsibilities and Duties

4.4.1 The Club, through its **Executive Director**, is responsible for communicating to all Members that harassment, abuse, and sexual misconduct in any form are unacceptable practices and are incompatible with its Mission, Vision, and Values and its Code of Conduct as well as being a violation of the law. The Club is responsible for ensuring that the Discipline and Investigation Committee has access to the necessary support for carrying out their responsibilities, as outlined under Section 4.3 under this policy.

4.4.2 The Board of Directors is responsible for the implementation and administration of this policy, reviewing this policy annually, or as required, and making necessary adjustments to ensure the policy meets the needs of the Club.

4.4.3 The President of the Board of Directors, or their designate, is responsible for ensuring that this policy is applied in a timely, consistent and confidential manner, determining whether or not allegations of harassment, abuse or sexual misconduct are substantiated; and ensuring the policy and procedures are followed.

4.4.4 The Complaint Investigation Committee shall receive complaints, assist in the informal resolution of complaints, and conduct the initial assessment of formal written complaints. The Complaint Investigation Committee is responsible for communicating the process for investigating and resolving complaints of harassment, abuse, or sexual misconduct, dealing with situations of harassment, abuse or sexual misconduct, immediately upon becoming aware of them, whether or not a complaint has been filed, and ensuring such situations are dealt with in a sensitive and confidential manner. The Complaint Investigation Committee shall be composed of a minimum of three (3) Members and a maximum of five (5) Members. Members of the Committee are not

required to be a Member of the Club in order to fulfill this role. The Committee will be formed on a case-by-case basis.

4.5 Consequences and Sanctions

Anyone alleged to be or following an investigation found to be in breach of this Policy and its Standard of Conduct may be subject to consequences and sanctions as outlined in Annex A of this Policy.

4.6 Limitations (Time Period)

If a person believes that they have been subjected to harassment, abuse or sexual misconduct within the scope of this Policy, then the person may proceed with a complaint:

- (a) within one (1) year after the incident to which the complaint relates; or
- (b) if there was a series of incidents, within one (1) year after the last incident in the series.

A person may proceed with a complaint after the expiry of the time limit under this section if the Complaint Investigation Committee is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay

Annex A – Complaint Procedure

1. Reporting Harassment, Abuse or Sexual Misconduct

Any Member with a complaint may contact the Club's Complaint Investigation Committee by email at complaints@ottawalions.com or another trusted person in a position of authority to discuss the situation.

Alternatively, there are four possible courses of action for a Complainant:

- a) they may communicate with the person committing the alleged act(s) and inform them that the behaviour in question is offensive and contrary to Club policy; if this option is exercised and the behaviour ceases, they may elect to take no further action;
- b) in addition to communicating with the person whose behaviour is offensive, they may immediately report the behaviour by submitting a complaint, following the procedure outlined in below
- c) if after communicating with the person whose behaviour is offensive, the behaviour continues, they may then report the situation by submitting a written complaint following the procedure outlined below;
- d) if they are uncomfortable communicating with the person whose behaviour is offensive, they may report the behaviour directly, following the procedure outlined below.

1.2. Reporting Harassment, Abuse or Sexual Misconduct of Minors

(i) If the Complainant is a minor, the complaint may be brought forward by a Responsible Adult. The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:

- a) making a complaint;
- b) receiving all notices on behalf of the Complainant; and
- c) being present at all dealings with the Complainant.

(ii) If the Respondent is a minor, the following shall apply:

- a) If the Complaint Investigation Committee is attempting an informal resolution of a complaint, the Committee may speak to the Respondent directly concerning the complaint provided that, prior to speaking to the Respondent, the Committee informs the Respondent that he/she may have a Responsible Adult present during the meeting.

- b) In the event that a minor Respondent is unwilling or unable to designate a Responsible Adult to be present during the meeting, the Complaint Investigation Committee shall designate and be accompanied by an adult Member who is neutral to the complaint and who will witness the meeting.
- c) If the complaint is referred to the Complaint Investigation Committee for investigation:
 - i) i) a copy of the written complaint may be forwarded to a parent or guardian of the Respondent if such person is known;
 - ii) ii) the Respondent shall be advised that he/she has the right to be represented by a Responsible Adult;
 - iii) iii) The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including: responding to a written complaint, receiving all notices on behalf of the Respondent, and being present at all dealings with the Respondent.

2. Submitting a Complaint of Harassment, Abuse or Sexual Misconduct

2.1 The Club

Pursuant to Athletics Canada Rule 055, the Club is responsible for the initial investigation into complaints of harassment, abuse or sexual misconduct. In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.

Complaints submitted should contain:

- a) date of the incident;
- b) identity and contact information of the Complainant;
- c) identity of the individual(s) who committed the alleged violation(s);
- d) description of the incident;
- e) the specific provisions of this Policy that have been allegedly violated;

- f) the requested remedy or solution;
- g) any action taken by the Complainant to address the situation.

2.1 (i) Direct complaints

Harassment, abuse or sexual misconduct complaints should be made to the Club's Complaint Investigation Committee by email at complaints@ottawalions.com or another trusted person in a position of authority to discuss the situation.

2.1 (ii) Third party complaints

Ultimately, the investigation and review process requires that complaints be filed with the Club's Complaint Investigation Committee. Therefore, other Members who receive a complaint shall forward it immediately to the Club's Complaint Investigation Committee, who will immediately contact the alleged victim and initiate the complaint evaluation procedure.

2.2 Athletics Ontario

Pursuant to Appendix A of Athletics Ontario's Harassment Policy, harassment complaints arising within the business, activities, or events organized by entities other than Athletics Ontario, such as the Club, will be dealt with pursuant to the policies of these other entities unless requested and accepted by Athletics Ontario, at its sole discretion

To file a complaint with Athletics Ontario, Members who believe they are being harassed, abused or subject to sexual misconduct should contact the AO Harassment Officer, by submitting AO Complaint Form available at <https://athleticsontario.ca/about/policies-and-governance/> by email to office@athleticsontario.ca.

2.3 Athletics Canada Commissioner's Office

Pursuant to Athletics Canada Rule 130.03(b), a complaint may instead be submitted to the Athletics Canada Commissioner's Office where

the alleged incidents occurred during any Club business, activities, or events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with a Club or activities, a Club's office environment, and any meetings,

And where, at the time of the filing, one of the parties submits, and the Commissioner agrees

- (a) that there has been undue delay in the review of the complaint,
- (b) that the complaint cannot be fairly reviewed under the Club harassment policy due to a conflict of interest; or

- (c) that some other relevant reason prevents the complaint from being adequately reviewed under the Club harassment policy.

2.3 (i) How to submit a complaint

To submit a complaint to the Athletics Canada Commissioner's Office, complainant's should complete the form available at <https://athletics.ca/machform/view.php?id=115817>

Complaints submitted to the Commissioner's Office must contain:

- a) date of the incident;
- b) identity and contact information of the Complainant (when an organization, such as Athletics Canada, acts as the Complainant an individual must be identified to represent the organization);
- c) identity of the individual(s) who violated the Code of Conduct and Ethics;
- d) description of the incident;
- e) the sections of the Code of Conduct and Ethics that were allegedly violated; and
- f) the requested remedy or solution.

2.4 Canadian Sport Helpline

The Canadian Sport Helpline is a bilingual national toll-free confidential helpline for harassment, abuse and discrimination which provides a safe place for victims and witnesses of incidents of harassment, abuse and discrimination in sport to report their concerns.

The Canadian Sport Helpline provides callers with advice on the next steps they can take, as well as direct them to the most appropriate national and local services and resources available to them, including the police, child protection services, existing provincial/territorial helplines, or any other relevant services.

Members can contact the Canadian Sport Helpline's professional listening and referral services by phone and text at 1-888-83-SPORT (77678) and by email at info@abuse-free-sport.ca, from 8 a.m. to 8 p.m. ET, seven days a week.

For more information, visit www.abuse-free-sport.ca.

3. Complaint Evaluation Procedure

3.1 Duty to Inform and Acknowledge Receipt of Complaints

Upon receiving a written complaint, the Complaint Investigation Committee will acknowledge receipt of the complaint and inform the complainant of:

- (a) the option of pursuing an informal resolution;
- (b) the right to lay a formal written complaint under this Policy when informal resolution is inappropriate or when an attempt at an informal resolution is unsuccessful;
- (c) the confidentiality provisions and limitations of this Policy;
- (d) the right to be represented/advised by a person of choice (including legal counsel) at any stage in the complaint process (at the Complainant's expense);
- (e) the right to withdraw from any further action in connection with the complaint at any stage (even though the Club might continue to investigate the complaint);
- (f) the potential consequences of allegations of harassment that are fabricated, frivolous or vexatious; and
- (g) any other avenues of recourse, including the right to file a complaint with Athletics Ontario or Athletics Canada, a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

3.2 Interim Actions

Upon receipt of a complaint of alleged harassment, abuse or sexual misconduct, the Complaint Investigation Committee may issue interim actions, including but not limited to suspension from Club activities and facilities, while the complaint is under review or investigation.

3.3 Complaint Evaluation Outcomes

Upon receipt of a written complaint, the Complaint Investigation Committee shall evaluate the complaint to ensure that it fulfills the requirements of section 2(1) of this Procedure and shall request additional information as needed.

Once complete, the Complaint Investigation Committee shall review the complaint to determine if the alleged behaviour falls within the prohibited behaviour of this Policy. If the Committee determines that it does not, then they shall inform the Complainant in writing of this determination and shall take no further action and will make no further record.

If the Complaint Investigation Committee determines that harassment, abuse, or sexual misconduct may have occurred, the Complainant may elect to pursue either the informal resolution of the complaint or may escalate the complaint for formal investigation. The Complainant and Respondent will each receive a redacted copy of the complaint and initial determination.

3.3(i) Informal Dispute Resolution

1. A Member or Members of the Complaint Investigation Committee will assist the two parties to negotiate a solution acceptable to the Complainant. If desired by the parties, and if appropriate, the Complaint Investigation Committee may also seek the assistance of a neutral mediator.
2. If negotiation yields a result that is acceptable to both parties, the Member or Members of the Complaint Investigation Committee will make a written record that the complaint was made and subsequently resolved to the satisfaction of both parties. This record will briefly outline the details of the complaint and the resolution. It will be signed by both parties and kept on file in the Club office for a period of time as determined by the Complaint Investigation Committee. No further action will be taken.
3. If negotiation fails to satisfy the Complainant, the Complainant may elect to escalate the complaint for formal investigation.

3.3(ii) Formal Investigation

1. Upon receipt of the redacted complaint and initial determination, the Respondent will be given the opportunity to provide a written response to the complaint.
2. The Complaint Investigation Committee will also advise the Respondent about the provisions of this Policy and of the Respondent's right to be represented by a person of his/her choice (at the respondent's expense).
3. As soon as possible after receiving the written complaint and the Respondent's answer, the Complaint Investigation Committee shall submit a written Report to the Board of Directors, with a copy to the Executive Director, unless the Executive Director or a Member of the Board of Directors is the subject of the complaint. If a Member of the Board of Directors is the subject of the complaint, that member shall be excluded from the discussion of the complaint.

The Report shall contain the formal written complaint and the respondent's written response, if filed, together with a recommendation that either:

- a) no further action should be taken because the complaint cannot be substantiated or the conduct cannot be reasonably said to fall within the definition of prohibited behaviour contained in this Policy; or
- b) the complaint has substance and the conduct falls within the definition of prohibited behaviour contained in this Policy; and/or
- c) the complaint is of a nature that it must be reported to local law enforcement authorities, Athletics Ontario, or Athletics Canada.

3.4 Complaint Decision Review

The Board of Directors shall review the Report to confirm that procedures have been applied correctly in accordance with this Policy. If the Board of Directors finds that there have been procedural errors, they will return the file to the Complaint Investigation Committee with instructions for correction. If the Board of Directors is satisfied that due process has been followed, they will consider the substance of the Report and determine whether further action is to be taken, if any.

3.4 (i) Further investigation

The Board of Directors will determine whether further investigation is warranted. Depending upon the nature of the complaint and the information provided in the Report, the Board of Directors at their sole discretion may appoint an independent individual to conduct an investigation in order to confirm the background and context of the complaint and to ascertain the relevant facts. If an investigation is ordered, the investigator shall carry out the task in a timely manner and at the conclusion shall submit a written investigation report to the Board of Directors.

3.4 (ii) Disciplinary action against the Respondent

(a) In the event that the Board of Directors agrees that harassment, abuse or sexual misconduct has occurred, the Board of Directors shall, when making determinations for disciplinary action and/or corrective measures, consider factors such as:

- (1) the nature of the harassment;
- (2) whether the harassment involved any physical contact;
- (3) whether the harassment was an isolated incident or part of an ongoing pattern;
- (4) the nature of the relationship between the Complainant and Respondent;
- (5) the age of the Complainant;
- (6) whether the Respondent has been involved in previous incidents;
- (7) whether the Respondent admitted responsibility and expressed a willingness to change; and
- (8) whether the Respondent retaliated against the Complainant

(b) When determining disciplinary sanctions the Board of Directors shall refer to the AO Discipline Policy, which includes but is not limited to the following options (separately or in combination, depending on the severity of the prohibited behaviour):

- (1) a letter of reprimand from the Club;
- (2) removal of certain privileges;
- (3) suspension of membership (e.g., officials, coaches, athlete, etc.) for a specified period of time;
- (4) suspension from competition for a specified period of time;
- (5) temporary suspension from employment, with or without pay;
- (6) termination of employment or contract;
- (7) an apology witnessed by a Member of the Board and/or Executive Director;

3.4 (iii) Disciplinary action against the Complainant

If the Board of Directors determines that the allegations of harassment, abuse or sexual misconduct are fabricated, frivolous, or vexatious, it may determine that disciplinary action shall be taken against the Complainant. The Board of Directors may consider any of the sanctions listed in above, or such other measures as the Board of Directors may deem appropriate to the circumstances.

4. APPEAL

4.1 Athletics Ontario

If a Complainant or Respondent believes the decision of the Complaint Investigation Committee rendered under this Process was procedurally unfair or disagrees with the determinations and/or sanctions of the Board of Directors, the decision may be appealed in accordance with the AO Appeal Process. The Appeal Process can be found in the [AO Dispute Resolution Policy: Appendix C - AO Appeal Process](#).

4.2 Sport Dispute Resolution Centre of Canada (SDRCC)

After the internal process for dispute resolution has been exhausted, or where the parties prefer to seek resolution externally, appeals may, on consent by all parties, be referred to SDRCC for mediation or binding arbitration as an alternative to – but not in addition to – the AO Appeal Process.

Referral to SDRCC must be by mutual agreement of all affected parties to the dispute and is irrevocable. The SDRCC has the discretion to accept an appeal for arbitration or to reject it. All parties to an accepted appeal must sign an arbitration agreement confirming that the Arbitration decision is final and binding and that there is no further right of appeal. For more information on the SDRCC, please visit their website at www.crdsc-sdrcc.ca.

5. Records

The following shall apply with regards to the retention of records:

5.1 Where the complaint does fall within the scope of this Policy

If the Committee determines that a complaint does not within the scope of this Policy, then there will be no written Report.

5.2 A determination that prohibited behaviour has not occurred

Where the Complaint Investigation Committee concludes that prohibited behaviour has not occurred, a copy of the Report and Decision shall be filed in the Club Office in a secured file.

5.3 A determination that prohibited behaviour has occurred

Where the Complaint Investigation Committee finds that prohibited behaviour has occurred, a copy of their decision, together with the investigation report and any documentary evidence, shall be filed in the Club Office in a secured file. The Complaint Investigation Committee decision shall also be filed on the personal file of both the Complainant and Respondent. Unless the findings of the Complaint Investigation Committee are overturned upon appeal, the decision and supporting material shall be retained on file for a period of ten years. This period could be extended if new and related developments indicate such action is warranted.

5.4 A determination that the complaint was fabricated, frivolous or vexatious

Where the Complaint Investigation Committee finds that the allegations of harassment were fabricated, frivolous or vexatious, a copy of the Complaint Investigation Committee's decision together with the Report and any documentary evidence shall be filed in the personal file of the Complainant only, with all references to the identity of the Respondent deleted, if he/she so requests.