

# MIG's Commitment to Safe Sport

The Masters Indigenous Games (hereafter known as MIG) has a fundamental obligation, duty and responsibility to protect the health, safety and physical and mental well-being of every athlete who competes, trains and participates at a MIG planned and hosted event or competition. MIG takes any event, occurrence and situation involving misconduct or maltreatment of a participant at a MIG sport, cultural, or leadership event very seriously. Consequently, MIG is committed to enacting and enforcing strong, clear, transparent and effective policies (the "MIG Safe Sport Policy"), which is incorporated into this MIG Athletes' Code of Conduct, and the processes for preventing and addressing all forms of misconduct or maltreatment to MIG Program Participants.

## *Intent of MIG's Safe Sport Policy*

MIG's Safe Sport Policy is intended to promote a Safe Sport environment in a manner that allows for consistent, immediate, appropriate and meaningful action should any issues that pose a threat to MIG Program Participants arise. MIG's Safe Sport Policy is also intended to prevent threatening issues from arising in the first place by setting out the expected standards of behaviour and provide a mechanism or process where MIG Program Participants and any individual involved with MIG, including but not limited to coaches, officials, volunteers, and parents/guardians of MIG Program Participants have a means of reporting any instance of misconduct or maltreatment (the "Complaint") directly to MIG staff in accordance with the procedures set out in MIG's Safe Sport Policy. MIG's Safe Sport Policy, which is incorporated in the within this MIG Athletes' Code of Conduct, also sets out the processes by which MIG must respond to the Complaint and the manner how MIG will address the Complaint.

# ARTICLE 2 – DEFINITIONS

In this MIG Athlete’s Code of Conduct, MIG Safe Sport Policy and MIG Media Policy (collectively hereinafter referred to as the “MIG’s Conduct Policies”) the following terms have the following meanings:

**“Appeal,”** means an appeal with respect to a decision of the Discipline Chair and/or the Discipline Committee contemplated by Article 4 of this Athlete’s Code;

**“Appeal Board,”** means the appeal panel appointed and selected by the Appeal Manager to hear and adjudicate Appeals in accordance with Article 5 of this Athlete’s Code;

**“Appeal Manager,”** means the manager appointed by MIG’s Executive Director to manage, supervise and direct the process for appeals instituted with respect to a decision of the Discipline Chair and/or the Discipline Committee in accordance with Article 5 of this Athlete’s Code;

**“Appellant,”** means a Party who has initiated an appeal in accordance with the appeal procedures set out in Article 5 of this Athlete’s Code;

**“Appealing Party,”** means the Party who elects to appeal the decision made by the Discipline Chair following a request for reconsideration by one of the Parties pursuant to the MIG’S Discipline Investigation and Procedure Policy, or a decision made by the Discipline Committee;

**Athlete's Code,**" means the MIG Athlete's Code of Conduct, which incorporates MIG Safe Sport Policy and MIG Media Policy;

**"Complaint,"** means a written notice delivered to MIG's Executive Director in accordance with Article 4 of this Athlete's Code, by an Injured Member, or, if, applicable, a Minor MIG Program Participant's representative, that alleges the named Concerned Participant or multiple Concerned Participants have breached or violated the MIG Conduct Policies which breach or violation caused the Injured Member damages and injuries described in the Complaint;

**"Concerned Participant,"** means the MIG Program Participant or multiple MIG Program Participants who are named and alleged in a Complaint to have contravened, breached or violated the MIG's Policies causing the Injured Member the damages and injuries described in the Complaint;

**"Day,"** means each day of the calendar year unless expressly provided otherwise in this Athlete's Code;

**"Discipline Chair,"** means the Chairperson of the Discipline Committee;

**"Discipline Committee,"** means a panel selected by MIG to hear, review and adjudicate on Complaints referred to the Discipline Committee by the Discipline Chair in accordance with Article 4 of this this Athlete's Code;

**“Dispute Resolution Policy,”** means the alternative dispute resolution means, methods and options set out in Article 5 of this Athlete’s Code;

**“Harassment Activities,”** means a course of vexatious comment or conduct against a MIG Program Participant or a group of MIG Program Participants, which is known or ought reasonably to have been known to be unwelcome which conduct includes, but is not limited to:

1. written or verbal abuse, threats, or outbursts;
2. **persistent unwelcome remarks**, jokes, comments, innuendo, or taunts;
3. **racial harassment**, which is racial slurs, jokes, name-calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
4. leering or other suggestive or obscene gestures;
5. condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions;
6. practical jokes which endanger a person’s safety, or may negatively affect performance;
7. **hazing activities**;
8. unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
9. deliberately excluding or socially isolating a person from a group or team;
10. persistent sexual flirtations, advances, requests, or invitations;
11. physical or sexual assault;
12. contributing to or maintaining a Poisoned Sport Environment, and
13. retaliation or threats of retaliation against a MIG Program Participant who reports harassment to MIG;

**“Hazing Activities,”** means any action taken or situation created as part of initiation to (or continued) membership on a team, which action i) produces or could be reasonably expected to produce mental or physical discomfort, harm, stress, embarrassment, harassment, or ridicule; ii) extracts or imposes some financial amount from another current or prospective team member, or iii) which directly or indirectly violates or is intended to violate the MIG Conduct Policies;

**“Initiation Activities,”** means an induction process to a team/group through special ceremonies that hold meaningful relevance and which process may require the athlete submitting to the initiation process to sacrifice their values and to participate in and endure humiliating and potentially illegal and endangering activities;

**“Injured Member”** means any MIG Program Participant, who alleges that he or she has suffered injury, whether physical, emotional, or financial, as a direct consequence of a breach of the MIG Conduct Policies while the Injured Member was attending or participating in a MIG Event as a MIG Program Participant;

**“Investigative Supervisor,”** means the person, whether a MIG employee, staff, contractor, consultant or volunteer, appointed and retained, by the Discipline Chair to investigate, review, and assess whether the allegations set out in a Complaint constitutes a breach of the MIG Conduct Policies and if directed appears before the Discipline Committee for the purposes of providing evidence that will assist the Discipline Chair or the Discipline Committee in reaching that the Concerned Participant, or if applicable, the multiple Concerned Participants, were in breach of the MIG Conduct Policies, and if applicable, the appropriate Sanction that should be imposed ;

**“MIG”** means Masters Indigenous Games.

**“MIG Athletes’ Code of Conduct,”** means the behavioural expectations that MIG expects and requires any MIG Program Participant to adhere to and which behavioural conduct is codified and set out in this Athlete’s Code;

**“MIG’s Discipline Investigation and Procedure Policy,”** means the investigative process and potential disciplinary proceedings that are instituted and occur upon MIG receiving a Complaint in accordance with the provisions of Article 4 of this this Athlete’s Code;

**“MIG Event,”** means any sport, cultural, leadership event, training, meeting, session, symposium, conference, program, tryout, camp, competition, tournament, and championship organized, planned, arranged, hosted, managed, delivered, conducted, carried on, or sponsored by MIG and includes all competitions, tournaments, and championships.

**“MIG’s Conduct Policies,”** means the Athlete’s Code, MIG’s Safe Sport Policy or Social Media Policy;

**“MIG Program Participant,”** means any person who attends and participates, whether as an athlete, team manager, coach, trainer, team/MIG official or chaperone, at a MIG Event.

**“MIG Safe Sport Policy,”** means the policy enacted by MIG to establish rules, measures, processes, and safeguards for preventing and addressing all forms of misconduct or maltreatment to MIG Program Participants, attending and participating at any MIG Event which rules, measures and safeguards are incorporated into this Athlete’s Code;

**“MIG’s Social Media Policy,”** means the policy set out in Schedule ‘A’ of this Athlete’s Code;

**“Major Infractions”** means those actions and conduct by a MIG Program Participant that: constitute a major violation of MIG’s Conduct Policies; have a significant negative impact on other MIG Program Participant(s); endanger the safety and security of themselves and/or others at a MIG event; undermine the dignity of another MIG Program Participant (s); result in serious damage to property; or seriously adversely affect the image and reputation of MIG or the Organization and include, but are not limited to:

1. Egregious, disrespectful, racist, offensive, or abusive behaviour directed towards others, including, but not limited to, MIG Program Participant(s); MIG Board members; MIG staff, MIG volunteers and employees, opponents, sport officials, facility/event staff, administrators, spectators or the community at large.
2. Any incident that is disrespectful or offends the dignity of others, such as any behavior that is known, or ought to be reasonably known, to be harassing, hostile, intimidating and/or discriminatory, that is directed towards MIG Program Participant(s); MIG Board members; MIG staff and employees, opponents, sport officials, facility/event staff, administrators, spectators or the community at large.
3. Any act of violent behaviour; including verbal abuse, physical or sexual violence.
4. Excessive consumption of alcohol and the consumption of cannabis when it may negatively affect athletic performance and/or the safety and security of the Concerned Participant and other MIG Program Participant(s);
5. Possession of any recreational substances (i.e. cannabis—including edibles, alcohol) while participating in, and/or travelling to/from a MIG Event or while present at a venue related to a MIG Event (i.e. team rooms, dressing rooms, etc.).
6. Exercising poor judgment with the use, promotion or provision of illegal controlled substances and/or recreational substances (i.e. cannabis – including edibles, alcohol) including, but not limited to, engaging in high-risk alcohol behaviours, possession of open alcohol, cannabis, or controlled substances in MIG vehicles, team rooms, athletic venues, and/or furnishing alcohol or other controlled substances to individuals under the age of 19.
7. Willful damage of property, facilities, equipment, or vehicles, for which the repair/replacement cost is more than \$500.
8. Any conduct or action which results in, or could foreseeably result in, significant harm or injury to the Concerned Participant, and the image, credibility or reputation of the Organization.
9. Hazing Activities or Initiation Activities.

10. Where the alleged contravention of MIG's Conduct Policies constitutes a Repeat Infractions or the creation or support of a Poisoned Sport Environment;

**"Matter in Question,"** means the substance, matter and allegations of the Complaint that is the subject matter of MIG's Discipline Investigation and Procedure Policy initiated and convened to determine if the allegations set out in the Complaint constitute a violation and breach of the MIG Conduct Policies and any appeal instituted with respect to the Complaint or the decision of the Discipline Chair and/or the Discipline Committee in accordance with Article 5 of this Athlete's Code;

**"Minor Infractions,"** means those actions and conduct by a MIG Program Participant interfere with another MIG Program Participant's enjoyment of an athletic or recreational event; are contrary to the ideals of fair play; constitute inappropriate online behaviour; involve abuse of property and an abuse of established procedures that are in place to promote safety and include, but are not limited to:

1. Disrespectful, offensive, or abusive behaviour directed towards others, including, but not limited to, peers, opponents, athletes, coaches, officials, sport leaders, facility/event staff, administrators, spectators or the community at large.
2. Conduct contrary to the ideals of fair play, such as angry outbursts, arguing, spitting, inappropriate gestures, engaging in inappropriate or disrespectful online behaviour (i.e. social media), etc.
3. Failing to adhere to administrative requirements or deadlines for event, activity, or league participation that negatively affects or jeopardizes the participation of the team including failing to participate and/or comply with organizational policies and procedures.
4. Incidentsof misrepresentation, such as but not limited to, providingfalse identification, or failure to disclose relevant information.
5. Willfuldestructionof property, facilities, equipment or vehicles,for which the repair/replacement cost is less than \$500.
6. Non-compliance with the rules and regulations of each sport/program under which MIG events are conducted.



7. Behaviour on the field of play that results in a single significant and/or series of major penalties and/or ejections for misconduct (i.e. technical fouls, red cards, major penalties, league imposed sanction, etc.);

**“Notice of Appeal,”** means the written notice that an Appealing Party delivers to MIG requesting an appeal a decision made by the Discipline Chair following a request for reconsideration by one of the Parties pursuant to the MIG’S Discipline Investigation and Procedure Policy, or a decision made by the Discipline Committee

**“Organization,”** means Masters Indigenous Games;

**“Parties,”** means both the Injured Member(s) and the Concerned Participant(s) in a hearing before the Discipline Committee to determine whether the Concerned Participant(s) violated the MIG Conduct Policies and whether and to what extent the Injured Member(s) sustained injuries as a result of such violations;

**“Party,”** means either the Injured Member(s) or the Concerned Participant(s) in a hearing before the Discipline Committee to determine whether the Concerned Participant(s) violated the MIG Conduct Policies and whether and to what extent the Injured Member(s) sustained injuries as a result of such violations;

**“Person in Authority,”** means any MIG Program Participant who holds a position of authority within MIG including, but not limited to, coaches, instructors, officials, team managers, program Managers, support personnel, consultants, chaperones, committee members, and MIG directors and Officers;

**“Poisoned Sport Environment,”** means the purposeful and malicious creation of a hostile and uncomfortable sport environment for a targeted MIG Program Participants or group of MIG Program Participants including i) establishing locations or areas where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons) ii) allowing groups to train, play and participate where direct and indirect harassing behaviour is part of the normal course of activities iii). Allowing and encouraging behaviour that causes embarrassment, awkwardness and results in an endangerment of a MIG Program Participant’s safety or negatively affects that MIG Program Participant’s performance and/or enjoyment a MIG Event;

**“Power Imbalance,”** means a relationship where, based on the totality of the circumstances, a Concerned Participant has supervisory, evaluative, a duty of care, or other authority over an Injured Member. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons. Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship, regardless of age, and is presumed to continue for Minor Program Attendees after the coach-athlete relationship terminates or until the athlete reaches 25 years of age.

**“Program Attendees,”** means MIG Program Participants who are not Persons in Authority;

**“Repeat Infractions,”** means the circumstances where a MIG Program Participant has been adjudicated to have committed more than two (2) Minor Infractions within a calendar year;

**“Respondent,”** means either the Discipline Chair or the Discipline Committee;

**“Sanctions,”** means those punitive sanctions, penalties and measures that can be imposed on a Concerned Participant who is subject to investigation and possible censure in accordance with MIG’s Discipline Investigation and Procedure Policy which punitive sanctions, penalties and measures are set out and described in sub-Article 4.11 of this Athlete’s Code;

**“Sexual Maltreatment,”** means any act targeting a person’s sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyberstalking of a sexual nature.

**“SDRCC,”** means the Sport Dispute Resolution Centre of Canada;

**“Social Media,”** means the catch-all term that is applied broadly to new computer-based communication media platforms and technology such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and X;

**“U-Sport Standards,”** means Policy Number 90.10 – USPORTS Anti-Doping Policy (Drug Education and Doping Control)

# ARTICLE 3 – MIG ATHLETES’ CODE OF CONDUCT

## 4.01 BEHAVIOURAL EXPECTATIONS

MIG places great value in ensuring an environment that is safe, positive, respectful, and conducive to the pursuit of personal and athletic excellence. MIG holds the following behavioural expectations for each MIG Program Participant:

- a commitment to the treatment of others with the utmost respect and dignity;
- a commitment to the core values of sportsmanship and fair play;
- a commitment to the elimination of sexist, racist, and/or discriminatory behaviours;
- and a commitment to personal success.

### *Principles and Guidelines*

To meet the Organization’s behavioural expectations, MIG requires strict adherence to the following principles and guidelines:

- All Initiation Activities are strictly prohibited.
- Any orientation and/or team building activities must be centered on positive team building and promote team unity and growth that support the dignity of all members of the team.
- Hazing Activities of any type are not permitted.
- The creation, support and perpetuation of a Poisoned Sport Environment is not permitted.
- Good judgement should be exercised in the use and consumption of alcohol.

- Alcohol is not to be consumed during travel (via bus, car, van, train or plane) to and/or from a game or competition or practice, in team rooms or competition facilities (home or away) at any time.
- The use of cannabis is prohibited at any competition facility, team room, etc.
- The use of illegal/prohibited drugs or performance enhancing drugs, in accordance with U Sports Regulations, is prohibited and a commitment to uphold the principles of Drug Free Sport as per the World Anti-Doping Agency (WADA) is to be strictly adhered to.
- Fighting and/or property damage is strictly prohibited.
- Any behavioural actions displayed or disseminated on a social media outlet or platform that are deemed to be contrary to behavioural expectations or demonstrate a lack of good judgement in the use of alcohol or in contravention of MIG's Social Media Policy are not permitted.
- The MIG's Social Media Policy must be adhered to.
- Any postings on any social media including Facebook, X, Instagram, etc. are subject to the MIG Social Media Policy.

All MIG Program Participants are required to behave, at all times, in a manner consistent with the MIG Athletes' Code of Conduct. Violations of the MIG Athletes' Code of Conduct will not be tolerated and will be subject to discipline in accordance with MIG's Discipline Investigation and Procedure. Failure to so comply can result in sanctions up to and including, individual removal of a member from a team and/or removal of a team from competition.

## **ARTICLE 4 – MIG'S DISCIPLINE INVESTIGATION AND PROCEDURE POLICY**

### **4.01 PURPOSE**

MIG Program Participants are required to abide by the MIG's Conduct Policies. Alleged violations of MIG's Conduct Policies will result in the Concerned Participant(s) facing the disciplinary processes and possible sanctions as set out in this Article of the Athlete's Code.

#### **4.02 GUIDING PRINCIPLES**

The following main principles shall guide and direct the process, findings and determinations under MIG's Discipline Investigation and Procedure Policy as provided in this Athlete's Code:

1. any form or manner of conduct that constitute a breach and violation of MIG's Conduct Policies and directly or indirectly causes, or poses a threat to cause, injury to the person or integrity of a MIG Program Participant or results in the undermining of MIG's reputation and the values of Canadian sport sphere must, in an open and fair process, be discerned and the perpetrators and authors of such injury or potential injury be held accountable for their breaches and violations of the MIG's Conduct Policies; and,
2. the Sanctions imposed under MIG's Discipline Investigation and Procedure Policy must reflect the seriousness of the breaches and violations of the MIG's Conduct Policies
3. Maltreatment and the resulting harm to those MIG Program Participant affected and the damage to MIG's reputation.

#### **4.03 APPLICATION OF MIG'S DISCIPLINE INVESTIGATION AND PROCEDURE POLICY**

MIG'S Discipline Investigation and Procedure Policy applies to all MIG Program Participants who attend any MIG Event and also applies to MIG Program Participants' conduct outside of MIG Events when such conduct adversely affects the relationships (or the work and sport environment) of MIG and is materially detrimental to the image and reputation of MIG. MIG's Conduct Policy and MIG's Discipline Investigation and Procedure also applies to alleged

breaches of MIG's Conduct Policy by former MIG Program Participants where any claim regarding a potential breach of MIG's Conduct Policy occurred when the former MIG Program Participant was active in the MIG Events. Applicability of MIG's Conduct Policy and MIG's Discipline Investigation and Procedure Policy will be determined by MIG at its sole discretion and shall not be subject to appeal or review. In addition to being subject to a disciplinary action pursuant to MIG's Discipline Investigation and Procedure Policy as provided herein, a MIG employee who is a Concerned Participant to a Complaint may also be subject to consequences in accordance with the employee's employment agreement or MIG's Human Resources Policy

#### **.4.04 HOW A COMPLAINT IS REPORTED AND INSTITUTED**

Any MIG Program Participant, or, if, applicable, the Minor MIG Program Participant's representative, may report a breach or violation of MIG's Conduct Policy by delivering a Complaint to MIG's Executive Director (or designate). At its discretion, MIG may act as the Complainant and initiate the Complaint in accordance with the terms of this Article of the "Athlete's Code. In such cases, MIG will identify an individual to represent the Organization. The discipline and Complaints process set out MIG'S Discipline Investigation and Procedure Policy is confidential and involves only MIG, the Parties, the Discipline Chair, the Discipline Committee, and any independent advisors, including the Investigative Supervisor, to the Discipline Committee. Once initiated, and until a decision is released, none of the Parties will disclose confidential information relating to the Complaint to any person not involved in the Complaint proceedings. Any failure to respect the confidentiality requirements of this Article of the Athlete's Code may result in further discipline proceedings pursuant to MIG'S Discipline Investigation and Procedure Policy .

#### **4.05 MIG's RESPONSE TO THE RECEIPT OF A COMPLAINT**

Upon receipt of a Complaint, MIG's Executive Director or presiding Manager in the absence of the Executive Director (i.e. Manager of Sport at venue,), has a responsibility to determine the appropriate jurisdiction and administrative path to manage adjudication of the Complaint and in reaching such determination the Executive Director or presiding Manager must consider the following:

1. Determining whether the Complaint is frivolous and/or within the jurisdiction of MIG's Conduct Policy and, if MIG's Executive Director determines that the Complaint is frivolous and not within the jurisdiction of MIG's Conduct Policy the Complaint will be dismissed immediately and MIG's Executive Director's decision to dismiss the Complaint will be final and not appealable.
2. Proposing the use of alternative dispute resolution techniques as set out in Article 5 of this Athlete's Code.
3. Determining if the circumstances and nature of the alleged breach(s) or violation(s) of MIG's Conduct Policies set out and described in the Complaint should be investigated in accordance with Article 4 of this Athlete's Code.
4. Determining whether the alleged breach(s) or violation(s) of MIG's Conduct Policies set out and described in the Complaint constituted Minor Infractions or Major Infractions.
5. Based on the Executive Director's determination as to whether the alleged breach(s) or violation(s) of MIG's Conduct Policies set out and described in the Complaint constituted Minor Infractions or Major Infractions, selecting the adjudication process to resolve the Complaint.

#### **4.06 RESOLUTION OF COMPLAINT'S DETERMINED TO BE MINOR INFRACTIONS**

Following the determination that the alleged breach(s) or violation(s) of MIG's Conduct Policies set out and described in the Complaint constituted Minor Infractions, MIG's Executive Director or presiding Manager shall forward the Complaint to the Discipline Chair who may: a) recommend



mediation; b) render a decision; c) request the Injured Member and the Concerned Participant(s) for either written or oral submissions regarding the alleged breach(s) or violation(s) of MIG's Conduct Policies set out in the Complaint; or d) convene the Injured Member and the Concerned Participant(s) to a meeting, either in person or by way of video or teleconference in order to ask the Injured Member and the Concerned Participant(s) questions. Thereafter, the Discipline Chair shall determine if a breach of MIG's Conduct Policies set out in the Complaint occurred and, if so, impose one or more Sanctions. The Discipline Chair will inform the Injured Member and the Concerned Participant(s) of the Discipline Chair's decision, which decision will take effect immediately. Records of all sanctions will be maintained by MIG.

#### **4.07 REQUEST FOR RECONSIDERATION OF DISCIPLINE CHAIRS DECISION**

In the event that the Discipline Chair does not impose a Sanction pursuant to sub-Article 4.05, the Injured Member may contest such a non-sanctioning decision by informing the Discipline Chair in writing, within five (5) days of receiving the decision, that the Injured Member is not satisfied with the decision. Upon the Discipline Chair's receipt of notice of contestation, the initial Complaint wherein the Discipline Chair decided to not impose Sanctions will then be handled in accordance with the process and procedures outline in sub-Article 4.07 RESOLUTION OF COMPLAINT'S DETERMINED TO BE MAJOR INFRACTIONS of this Athlete's Code. In the event the Discipline Chair does impose a Sanction pursuant to sub-Article 4.05, the Concerned Participant may contest the Sanction by submitting a written request for reconsideration within five (5) days of receiving notification from the Discipline Chair imposing the Sanction. In the Concerned Participant's request for reconsideration, the Concerned Participant' must set out: a) why the Sanction is inappropriate; b) a summation of the evidence that the Concerned Participant' will provide to support the Concerned Participant' position; and c) what Sanction (if

any) in the Concerned Participant's opinion would be appropriate. Upon receiving a Concerned Participant's request for reconsideration, the Discipline Chair may decide to accept or reject the Concerned Participant's submission for an appropriate or alternate Sanction. In the event that the Discipline Chair accepts the Concerned Participant's submission for an appropriate alternate Sanction, that Sanction will take effect immediately. In the event that the Discipline Chair does not accept the Concerned Participant's submission for an alternate appropriate Sanction, the initial Complaint will then be handled in accordance with the process and procedures outline in sub-Article 4.07 RESOLUTION OF COMPLAINT'S DETERMINED TO BE MAJOR INFRACTIONS of this Athlete's Code.

#### **4.08 RESOLUTION OF COMPLAINT'S DETERMINED TO BE MAJOR INFRACTIONS**

Following the determination that the alleged breach(s) or violation(s) of MIG's Conduct Policies set out and described in the Complaint constituted a Major Infraction(s), MIG's Executive Director shall forward the Complaint to the Discipline Chair who shall adopt one of the following actions: a) propose the use of alternative dispute resolution techniques; b) constitute and convene the Discipline Committee, if necessary c) coordinate all administrative aspects and set timelines for an adjudication of the Complaint before the Discipline Committee d) provide such administrative assistance and logistical support to the Discipline Committee as required that will allow the Discipline Committee to address and adjudicate the allegations set out in the Complaint as efficaciously as possible, e) provide any other service or support that may be necessary to ensure a fair and timely proceeding before the Discipline Committee. If presiding Manager is the determining agent, the Complaint shall be forwarded both to the Executive Director and the Discipline Chair. The Discipline Chair will establish and adhere to timelines that ensure procedural fairness and that the Matter in Question is heard in a timely fashion. The

Discipline Chair may propose using alternative dispute resolution with the objective of resolving the Matter in Question. If the Matter in Question is not resolved, or if the Injured Member(s) and the Concern Participant(s) refuse to attempt alternative dispute resolution (such as mediation or a negotiated settlement) the Discipline Chair will convene the Discipline Chair, consisting of three (3) members appointed by MIG, to hear and adjudicate the Complaint. In this event, the Discipline Chair will appoint one of the Discipline Committee's members to serve and act as the Chairperson of Discipline Committee convened to adjudicate the Matter in Question in accordance with the terms and provisions of MIG's Conduct Policies. In circumstances where the Discipline Chair determines that the allegations set out in a Complaint are of such a seriousness and credible nature the Discipline Chair may direct that the Concerned Participant referenced in the Complaint be suspended pending the completion of an investigation, the hearing, or a decision of the Discipline Committee in the Matter in Question.

#### **4.09 PROCESS BEFORE THE DISCIPLINE COMMITTEE**

Once the Discipline Committee is convened in accordance with the provisions of sub-Article 4.07 of the Athlete's Code, the Discipline Chair, in cooperation and consultation with the Discipline Committee, will then decide the format under which the Matter in Question set out in the Complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral an in-person hearing, an oral hearing by telephone or other communication medium. or a combination of these methods. Where either Party intends to rely on documentary evidence, the Party intending to rely on such documentary evidence must provide the other Party and the Discipline Committee with copies of the documentation that the Party intends to adduce and rely on before the Discipline Committee, at least five (5) business days prior to the commencement of the hearing convened to adjudicate the Matter in Question. The hearing

before the Discipline Committee will be governed by the processes and procedures that the Discipline Chair and the Discipline Committee deem reasonably appropriate in the circumstances, provided that:

1. In the case of an in-person hearing or an oral hearing by telephone or other communication medium, the Parties shall be given at least ten (10) days notice of the day, time, and place of the hearing,
2. Parties may engage a representative, advisor, or legal counsel at their own expense to represent them at the hearing before the Discipline Committee which is adjudicating the Matter in Question.
3. The Discipline Committee may request that any other individual, including the Investigative Supervisor, participate and give evidence at the hearing of the Matter in Question.
4. The Discipline Committee may allow as evidence at the hearing of the Matter in Question any oral evidence and document or thing relevant to the Matter in Question set out in the Complaint, but may exclude such evidence that the Discipline Committee reasonably deems is unduly repetitious, and shall place such weight on the evidence as the Discipline Committee reasonably deems appropriate.
5. The decision of the Discipline Committee will be determined by majority vote.

In the event the Concerned Participant admits the facts supporting allegations of the Concerned Participant breach of MIG's Conduct Policies as set out in the Complaint are true and accurate the Concerned Participant may waive the hearing before the Discipline Committee, in which case the Discipline Committee will determine the appropriate Sanction. The Discipline Committee may still hold a hearing for the purpose of determining an appropriate Sanction, if any, that the Discipline Committee should impose on the Concerned Participant(s). A properly constituted hearing before the Discipline Committee to adjudicate on the Matter in Question set out in a Complaint will proceed even if a Party chooses not to participate in the scheduled hearing. In fulfilling its duties, the Discipline Committee may elect to obtain independent advice.

#### **4.10 THE APPOINTMENT OF THE INVESTIGATIVE SUPERVISOR**

When a Complaint is submitted to the Discipline Chair in accordance with MIG'S Discipline Investigation and Procedure Policy, the Discipline Chair may at the Discipline Chair's sole election determine if the allegations set out in the Complaint should be investigated. In the event that the Discipline Chair so elects that as a consequences of the nature and circumstances of the allegations set out in the Complaint it would be beneficial to the proper and fair adjudication and determination as to whether there was a breach or violation of MIG's Conduct Policies as alleged in the Complaint, the Discipline Chair may appoint the Investigative Supervisor to conduct and carry out an investigation of the allegations set out and described in a Complaint.

##### ***Qualifications Of the Investigative Supervisor***

The Investigative Supervisor must be an independent third-party skilled in investigating, not be in a conflict of interest situation with respect to the Matter in Question, have no connection to either Party, possess experience in conducting investigations and have specific knowledge of MIG's Conduct Policies and, ideally, general knowledge of Indigenous culture and customs.

##### ***The Form of the Investigation***

The investigation may take any form as decided by the Investigative Supervisor and may include: a) interviews with the Parties; b) conducting witness interviews c) collecting, assessing and

reviewing all relevant documentary evidence; and d) prepare statement of facts from each of the Parties' perspectives.

### ***The Investigative Supervisor's Report***

Upon completion of the Investigative Supervisor's investigation, the Investigative Supervisor's shall prepare a report that should include a summary of evidence from the Parties (including both statements of facts, if applicable) and recommendations from the Investigative Supervisor as to whether, on a balance of probabilities, a breach of MIG's Conduct Policies had occurred.

### ***The Duty to Report Criminal Acts***

In the event that during the Investigative Supervisor his investigation of the allegations set out in the Complaint discovers that there are possible instances of an offence having been committed contrary to the Canadian Criminal Code, particularly offences related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigative Supervisor shall be directed to advise the Injured Member and the Discipline Chair to refer the matter to the police authorities.

### ***Malicious Complaints***

An Injured Member who submits a Complaint containing allegations that the Investigative Supervisor later determines to be malicious, false, or for the purpose of retribution, retaliation, or

vengeance, may be subject to a Complaint and prosecution under the terms of the MIG'S Discipline Investigation and Procedure Policy and may be required to pay for the costs of any resulting investigation that comes to this conclusion. MIG or the Concerned Participant named in the Complaint that is determined to contain false allegations may act as the Injured Member in a resulting Complaint against the initial Injured Member.

#### **4.11 THE DISCIPLINE COMMITTEE'S DECISION**

After hearing the Matter in Question, the Discipline Committee will determine whether a Minor Infraction, if applicable, or a Major Infraction has occurred and, if so, the Sanctions that will be imposed or assessed against the Concerned Participant. Alternatively, the Discipline Committee can determine that the evidence adduced at the hearing of the Matter in Question failed to disclose that a breach or violation of MIG's Conduct Policies as alleged in the Complaint. Within fourteen (14) days of the hearing before the Discipline Committee having concluded, the Discipline Panel's written decision, with reasons, shall be distributed to the Parties, the Discipline Chair and to MIG. In extraordinary circumstances, the Discipline Committee may first issue a verbal or summary decision soon after the hearing before the Discipline Committee is concluded, with the full written decision to be issued before the end of the required fourteen (14) day period. The decisions of the Discipline Committee will be considered a matter of public record unless decided otherwise by the Discipline Committee. Each decision issued by the Discipline Chair and the Discipline Committee must provide a notice of the time limits in which a Party wishing to appeal the decision must file a Notice of Appeal and the amount of the registration/administration fee that must be included and submitted to MIG with the Notice of Appeal and a warning that the failure to deliver the Notice of Appeal and the stipulated

registration/administration fee within the required time limit would preclude a Party's right to appeal the Decision in question.

#### **4.12 THE RANGE OF SANCTIONS THAT CAN BE IMPOSED BY THE DISCIPLINE COMMITTEE ON CONCERNED PARTICIPANTS**

Prior to determining the level or severity of the Sanctions that should be imposed on a Concerned Participant, the Discipline Chair or Discipline Committee, as applicable, will consider all factors relevant to determining the appropriate Sanctions to be imposed which factors shall include:

1. The nature and duration of the Concerned Participant's relationship with the Injured Member, including whether there is a Power Imbalance;
2. The Concerned Participant's prior history and any pattern of inappropriate behaviour or breaches of MIG's Conduct Policies;
3. The ages of the Parties involved;
4. Whether the Concerned Participant's poses an ongoing and/or potential threat to the safety of others;
5. The Concerned Participant's voluntary admission of the breaches of MIG's Conduct Policies, acceptance of responsibility for the breaches of MIG's Conduct Policies, and/or cooperation in MIG's Discipline Investigation and Procedure;
6. Real or perceived impact of the Concerned Participant's breach of MIG's Conduct Policies as set out in the Complaint on the Injured Member, MIG, the sporting community and/or the Indigenous community;
7. Circumstances specific to the Concerned Participant's being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements of MIG's Conduct Policies; addiction; disability; illness);
8. Whether, given the facts and circumstances that have been established, continued participation in MIG Events is appropriate;
9. A Concerned Participant who is in a position of trust, intimate contact or high-impact decision-making may face more serious Sanctions; and/or
10. Other mitigating and aggravating circumstances.



Any single factor or consideration, if severe enough, may be sufficient to justify a higher level of Sanctions being imposed on a Concerned Participant. A combination of several factors may also justify elevated or combined Sanctions being imposed on a Concerned Participant.

### ***The Available Sanctions***

The Discipline Chair or Discipline Committee, as applicable, may apply the following Sanctions against a Concerned Participant, whether singularly or in combination:

1. *Verbal or Written Warning*—A verbal reprimand or an official, written notice and formal admonition that a Concerned Participant has violated MIG's Conduct Policies and that a higher level of Sanctions will result should the Concerned Participant be involved in other violations of MIG's Conduct Policies;
2. *Education*—The requirement that a Concerned Participant undertake specified educational or similar remedial measures to address the violation(s) of MIG's Conduct Policies.
3. *Probation*—Should any further violations of the MIG's Conduct Policies occur during an imposed set probationary period, additional Sanctions, likely including a period of suspension or permanent ineligibility could be imposed on the Concerned Participant.
4. *Suspension*—Suspension, either for a set time or until further notice, from participation, in any capacity, in MIG Events. A suspended Concerned Participant is eligible to return to participation in MIG Events, but such reinstatement may be subject to certain restrictions or contingent upon the suspended Concerned Participant satisfying specific conditions noted at the time of the Concerned Participant's initial suspension.
5. *Eligibility Restrictions* – Restrictions or prohibitions on the Concerned Participant's participation in some MIG Event but allowing participation in other capacities under strict conditions.
6. *Permanent Ineligibility*—Permanent ineligibility to participate in any MIG Event.
7. *Other Discretionary Sanctions*—Other Sanctions may be imposed, including, but not limited to, other loss of privileges, no-contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

### ***Presumptive Sanctions***

The Discipline Chair or Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed breaches of MIG's Conduct Policies:

1. Sexual Maltreatment involving a Minor Program Attendee shall carry a presumptive Sanction of permanent ineligibility;
2. Sexual Maltreatment, with contact, shall carry a presumptive Sanction of either a period of suspension or eligibility restrictions.
3. While a Concerned Participant has pending criminal charges or dispositions in violation of the criminal law, the presumptive Sanction shall be a period of suspension.

A Concerned Participant's conviction for a Criminal Code offense shall carry a presumptive Sanction of permanent ineligibility from participating in MIG Events. Criminal Code offences may include, but are not limited to: a) any child pornography offences; b) any sexual offences; c) any offence of physical violence; d) any offence of assault; and ) any offence involving trafficking of illegal drugs.

### ***Commencement of Imposed Sanctions***

Unless the Discipline Committee decides otherwise, any imposed Sanction(s) will commence immediately, notwithstanding any institution of an appeal. Failure to comply with an imposed Sanction as determined by the Discipline Committee will result in an automatic suspension of the Concerned Participant from participation in any MIG Event until such time as full compliance by the Concerned Participant with the initial Sanction occurs.

## **4:13 APPEAL PROCESS**

### ***Appealing a Decision of the Discipline Chair and/or the Discipline Committee***

A decision made by the Discipline Chair following a request for reconsideration by one of the Parties pursuant to the MIG'S Discipline Investigation and Procedure Policy, and a decision made by the Discipline Committee, may be appealed to MIG in accordance with the terms of this sub-Article of the Athlete's Code. Alternatively, by agreement between the Parties, the appeal process set out in this sub-Article of the Athlete's Code may be by-passed, and the Appeal may be heard directly before the SDRCC. Except where an appeal proceeds before the SDRCC, MIG's Executive Director shall appoint an Appeal Manager, establish a reasonable registration/administration fee that an Appealing Party must pay or submit to MIG as a pre-condition to the perfection of any appeal contemplated by this this sub-Article of the Athlete's Code and shall follow the process and procedures outlined in this this sub-Article of the Athlete's Code.

### ***Grounds for an Appeal***

A decision of the Discipline Chair or the Discipline Committee cannot be appealed on its merits alone. An appeal may only be heard on the grounds that the Respondent:

1. Made a decision that lacked the authority or jurisdiction to make;
2. Failed to follow its own procedures;
3. Made a decision that was influenced by a level of bias that demonstrated a lack of neutrality to such an extent that the Respondent appears not to have considered or ignored other views; or

4. Rendered a decision that was overtly unreasonable in all the circumstances.

### ***What is the Time Limit to Deliver a Notice of Appeal?***

An Appealing Party wishing to appeal a decision made by the Discipline Chair following a request for reconsideration by one of the Parties pursuant to the MIG'S Discipline Investigation and Procedure Policy, or a decision made by the Discipline Committee, must file/deliver a Notice of Appeal to MIG within (5) business days of the Appealing Party's receipt of decision that the appealing Party is seeking to appeal. The Notice of Appeal must set out and specify the grounds of appeal on which the Appealing Party is basing the Appeal on. To be valid and effective a Notice of Appeal must be accompanied by a bank draft in the amount of the registration/administration fee for appealing referred to the decision being appealed from.

### ***Resolution of an Appeal Through Dispute Resolution Policy***

The Parties to a decision of the Discipline Chair or the Discipline Committee may first attempt to resolve the appeal through the Dispute Resolution Policy. MIG's Executive Director CEO may also direct and suggest that the Parties attempt to resolve the dispute using the Early Resolution Facilitation services offered by the SDRCC. Appeals resolved under the Dispute Resolution Policy will result in the paid registration/administration fee being refunded to the Appellant.

### ***Role of the Appeal Manager***

For all appeals not resolved through use of the Dispute Resolution Policy, MIG's Executive Director will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the Parties or the Matter in Question) who will have the following responsibilities:

1. To determine if the Appeal falls under the scope of this Policy.
2. To determine if the Appeal was submitted in a timely manner.
3. To decide whether there are sufficient grounds for the Appeal.

### ***Dismissal of an Appeal on the Insufficient Grounds***

In the event that the Appeal Manager denies the Appeal on the grounds of insufficient grounds, because the Appeal was not submitted in a timely manner, or because the Appeal did not fall within the scope of this Policy, the Appellant will be notified, in writing, of the reasons for the Appeal Manager's decision. This decision of the Appeal Manager is final in this regard and may not be appealed.

### ***Appointment of the Appeal Board***

In the event that the Appeal Manager is satisfied there are sufficient grounds for an Appeal to proceed for hearing and adjudication, the Appeal Manager will appoint an Appeal Board which shall consist of a single Arbitrator, to hear the Appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Board composed of three (3) persons may be appointed to hear an Appeal. In this event, the Appeal Manager will appoint one of the Appeal

Board's members to serve as the Chair. No member of the Appeal Board must be in a conflict of interest or have any direct relationship with the Parties or the Matter in Question.

### ***Process and Procedure for Appeal Hearings***

The Appeal Manager shall notify the Parties of the decision that the Appeal will be proceeding for a hearing. The Appeal Manager shall then determine the format under which the Appeal will be heard. This decision is at the sole discretion of the Appeal Manager and is not subject to appeal. If a Party chooses not to participate in the scheduled hearing, the hearing will proceed in their absence. The format for the hearing of the Appeal may, at the sole determination of the Appeal Manager involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Appeal Board deem appropriate in the circumstances, provided that:

1. The hearing will be held within a timeline determined by the Appeal Manager.
2. The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
3. Copies of any written documents which the Parties wish to have the Appeal Board consider will be provided to all Parties, the Appeal Manager and the Appeal Board no less than five (5) business days prior to the date scheduled hearing of the Appeal.
4. The Parties may be accompanied at the hearing by a representative, advisor, or legal counsel at their own expense.
5. The Appeal Board may request that any other individual participate and give evidence at an oral in person hearing or oral hearing by telephone or electronic communication.
6. The Appeal Board may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the Appeal, but may exclude such evidence that

is unduly repetitious and shall place such weight on the evidence as it deems appropriate.

### ***The Decision of the Appeal Board***

The decision to uphold or reject an Appeal will be by a majority vote of Appeal Board members. In fulfilling its duties, the Appeal Board may obtain independent advice. The Appellant in an Appeal must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as set out in this Article of the Athlete's Code and that this error had, or may reasonably have had, a material effect on the decision or decision-maker(s). The Appeal Board shall issue its written decision and with reasons within seven (7) business days after the Appeal hearing's conclusion. In making its decision, the Appeal Board will have no greater authority than that of the Respondent and must limit their decision to the Matter in Question. The Appeal Board may decide to: a. Reject the Appeal and confirm the decision being appealed; b. Uphold the Appeal and refer the matter back to the Respondent for a new decision; or c. Grant the Appeal and vary the decision being appealed. The Appeal Board will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Appeal Board will take into account the outcome of the Appeal, the conduct of the Parties, and the Parties' respective financial resources. The Appeal Board's written decision, with reasons, will be distributed to all Parties, the Appeal Manager and MIG. In extraordinary circumstances, the Appeal Board may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision of the Appeal Board will be considered a matter of public record unless decided otherwise by the Appeal Board. The appeals process is confidential and once an Appeal is initiated and until a decision is released, the parties are prohibited from

disclosing any confidential information related to the Matter in Question to any person not involved in the proceedings.

# **Article 5 – ALTERNATIVE DISPUTE RESOLUTION POLICY**

## ***Principles of Alternative Dispute Resolution***

MIG endorses and supports the principles of Alternative Dispute Resolution and is committed to facilitating the positive methods and approaches of negotiation, facilitation, and mediation as effective and progressive means of resolving disputes. Alternative Dispute Resolution also avoids the uncertainty, costs, delays and other negative effects associated with lengthy and costly litigation based approaches. . MIG's stated policy is to encourage all MIG Program Participants to communicate openly, and to collaborate and use problem solving and negotiation methods to resolve disputes. MIG believes that negotiated resolutions and settlements are often preferable to confrontational adjudicated based results. As a consequence, negotiated resolutions of disputes among MIG Program Participants is strongly encouraged.

## ***Application and Process***



This Alternative Dispute Resolution Policy and emphasis applies to all MIG Program Participants. Opportunities for Alternative Dispute Resolution should be canvassed and implemented any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial. In the event that all parties to a dispute agree to adopt an Alternative Dispute Resolution approach, a mediator, acceptable to all parties to the dispute, shall be appointed to mediate the possible settlement of the dispute at issue. The appointed mediator shall decide the format under which the dispute shall be mediated and may, if the parties in dispute agree, specify a deadline before which the parties must reach a negotiated settlement of the dispute. Should a negotiated settlement be reached between the parties in dispute, the terms of such the settlement shall be reported to MIG. Any actions that are to take place as a result of the decision shall be enacted by the parties on the timelines specified by the negotiated settlement of the dispute. Any negotiated settlement will be binding on the parties. may not be appealed. In the event the adopted Alternative Dispute Resolution process fails to result in the parties reaching a negotiated settlement of their dispute by the deadline specified by the mediator at the start of the process (if set), or if the parties to the dispute do not agree to engage in a form of Alternative Dispute Resolution, the dispute in question shall be considered and adjudicated pursuant to MIG'S Discipline Investigation and Procedure Policy as provided for in Article 4 of this Athlete's Code.