



DISCIPLINE AND COMPLAINTS POLICY AND PROCEDURE

***To be used in conjunction with the terms defined in Definitions Conduct and Definitions Policy.
Additional terms are defined in the UCCMS***

Purpose

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

Application of this Policy

3. This Policy applies to all Organizational Participants.
4. This Policy applies to matters that may arise during the business, activities, and Events of Golf Canada, the Provincial Golf Associations, and its Member Clubs, including, but not limited to, competitions, practices and training, treatment or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of Golf Canada, and any meetings.
5. This Policy also applies to Organizational Participants' conduct outside of the business, activities, and Events of Golf Canada, the Provincial Golf Associations, and its Member Clubs when such conduct adversely affects the relationships (or the work and sport environment) of Golf Canada, is detrimental to the image and reputation of Golf Canada or is in violation of Golf Canada policy or conduct expectations.
6. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Organizational Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Organizational Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Organizational Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Organizational Participant(s).
7. Applicability of this Policy will be determined by OSIC, the ITP, or Golf Canada, as applicable, and shall not be subject to appeal.
8. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the policies and procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or Event only.
9. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Golf Canada who is a Respondent to a complaint may also be subject to

consequences in accordance with the employee's employment agreement or Golf Canada's policies, for human resources, if applicable.

10. A Registered Participant, who is a Worker, who believes that another Worker has committed Wrongdoing (as described in the *Whistleblower Policy*) may report the alleged incident(s) to the Compliance Officer (as further described in the *Whistleblower Policy*).

Minors

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

Reporting a Complaint

UCCMS Participants

15. Incidents that involve *Alleged Maltreatment or Prohibited Behaviour* that occurred or continued as of March 1, 2023, involving a *UCCMS Participant* must be reported to the [OSIC](#) and will be addressed pursuant to the OSIC's policies and procedures.
16. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before March 1, 2023 may be reported to the OSIC; however the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by Golf Canada as a *UCCMS Participant*.
17. If the *Independent Third Party* receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

Organizational Participants

18. Any Complaints involving alleged breaches of Golf Canada's Policies that do not fall within sections 15 or 16 above may be reported by an *Organizational Participant* to the [Independent Third Party](#). For the avoidance of doubt, this includes complaints referred to the *Independent Third Party* by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction.

19. Notwithstanding any provision in this Policy, Golf Canada, at its discretion, or upon request by the *Independent Third Party*, may act as the *Complainant* and initiate the complaint process under the terms of this Policy. In such cases, Golf Canada will identify an individual to represent the organization.
20. A *Complainant* who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the *Independent Third Party* and request that their identity be kept confidential. If the *Independent Third Party* considers that the *Complainant's* identity must remain confidential, the *Independent Third Party* may ask that Golf Canada take carriage of the complaint and act as the *Complainant*.
21. In exceptional circumstances, the *Independent Third Party* may direct a complaint to be managed by Golf Canada if a Provincial Golf Association or a *Member Club* (as applicable) is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Provincial Golf Association or *Member Club* (as applicable) do not have policies in place to address the complaint. In such circumstances, Golf Canada shall have the right to request that a cost-sharing agreement is entered into with the Provincial Golf Association or *Member Club* (as applicable) as a pre-condition to Golf Canada managing the complaint.
22. Where the *Independent Third Party* refers a matter to be managed by a Provincial Golf Association or a *Member Club*, or where a Provincial Golf Association or a *Member Club* is otherwise responsible for managing a matter (i.e., because they received the matter directly), and/or the Provincial Golf Association or the *Member Club* fails to conduct disciplinary proceedings within a reasonable timeline, Golf Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the *Internal Discipline Chair* or *External Discipline Panel* decides that the Golf Canada acted reasonably in taking jurisdiction over the matter, Golf Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Provincial Golf Association or *Member Club* (as applicable).

Independent Third Party Responsibilities

23. Upon receipt of a complaint, the *Independent Third Party* has a responsibility to:
 - a) Determine whether the complaint falls within the jurisdiction of this *Discipline and Complaints Policy*.
 - b) Determine the appropriate jurisdiction to manage the complaint by considering the following:
 - I. Whether the incident occurred within the business, activities, or Events of Golf Canada, a Provincial Golf Association, or a Member Club; and
 - II. If the Provincial Golf Association or Member Club can manage the complaint process.
 - c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith
 - d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
 - e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 15-17, the *Independent Third Party* will decide which process will be followed, at their discretion, and such decision is not appealable.

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

- Disrespectful conduct or comments
- Minor acts of physical violence, unless the physical violence is between a *Person in Authority* and a *Vulnerable Participant*, in which case the matter will be addressed under Process #2.
- Conduct contrary to the values of Golf Canada or a Provincial Golf Association or a Member Club
- Non-compliance with the policies, procedures, rules, or regulations of Golf Canada, or a Provincial Golf Association or a Member Club
- Minor violations of the policies or bylaws of Golf Canada or those of a Provincial Golf Association or a Member Club.

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

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

- a) Repeated Incidents described in Process #1
- b) Hazing
- c) Abusive, racist, or sexist comments, conduct or behaviour
- d) Incidents that constitute *Prohibited Behaviour* under the *Code of Conduct and Ethics (the "Code")* or the *UCCMS*
- e) Major incidents of violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- h) Conduct that intentionally damages the image, credibility, or reputation of Golf Canada, a Provincial Golf Association or that of one of its *Member Clubs*
- i) Consistent disregard for the by-laws, policies, rules, or regulations of Golf Canada, a Provincial golf Association or those of one of its Member Clubs.
- j) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Discipline and Complaints Policy* as applicable to address such alleged breaches
- k) Intentionally damaging the property of Golf Canada, a Provincial Golf Association, or one of its Member Clubs or improperly handling any of the aforementioned organizations' monies.
- l) Abusive use of alcohol, any use or possession of alcohol by *Minors*, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense

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

Provisional Suspensions

24. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a *Provisional Suspension* or interim measures may be imposed against any *Organizational Participant* by Golf Canada, after which further discipline or sanctions may be applied according to this Policy.
25. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. *Provisional Suspensions* or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party or by Golf Canada, as applicable.
26. Notwithstanding the above, Golf Canada and/or The Independent Third Party may determine that an alleged incident is of such seriousness as to warrant the imposition of a *Provisional Suspension* of a *Respondent* pending completion of an investigation, assessment and/investigation by the *OSIC*, criminal process, the hearing, or a decision of the *External Discipline Panel*.
27. Any *Respondent* against whom a *Provisional Suspension* or interim measure is imposed may make a request to the *Independent Third Party* or *External Discipline Panel* (if appointed) to have the *Provisional Suspension* or interim measure lifted. In such circumstances, Golf Canada shall be provided with an opportunity to make submissions, orally or in writing, regarding the *Respondent's* request to have their *Provisional Suspension* lifted. *Provisional Suspensions* or interim measures shall only be lifted in circumstances where the *Respondent* establishes that it would be manifestly unfair to maintain the *Provisional Suspension* or interim measures against them.
28. Any decision not to lift a *Provisional Suspension* or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1: Handled by Internal Discipline Chair

Internal Discipline Chair

29. Following the determination by the Independent Third Party that the complaint or incident should be handled under Process #1, the Independent Third Party will refer the complaint or incident to the Internal Discipline Chair designated by Golf Canada who may:
 - a) Propose alternative dispute resolution techniques, if appropriate; and/or
 - b) Ask the *Complainant* and the *Respondent* for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the *Internal Discipline Chair* any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each *Party* shall have the right to receive the other *Party's* submissions and evidence,

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

- c) Following receipt of the *Parties'* submissions, the *Internal Discipline Chair* may convene the *Parties* to a meeting, either in person or by way of video or teleconference to ask the *Parties* questions and to allow the *Parties* to ask questions of one another.

30. Following their review of the submissions and evidence related to the complaint, the *Internal Discipline Chair* shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the *Parties* and reviewing their submissions, the *Internal Discipline Chair* considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.

31. The *Internal Discipline Chair* will inform the *Parties* of the *Internal Discipline Chair's* decision, which shall be in writing and include reasons. The *Internal Discipline Chair's* decision will take effect immediately, unless specified otherwise by the *Internal Discipline Chair*. Should the circumstances require a decision to be rendered immediately or within a short timeline, the *Internal Discipline Chair* may render a short decision, either orally or in writing, followed by a written reasoned decision.

32. Any decision rendered by the *Internal Discipline Chair* shall be provided to and maintained in the records of the relevant Provincial Golf Association, *Member Club* and Golf Canada. Decisions will be kept confidential by the *Parties* and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Process #2 – Handled by Independent Third Party and External Discipline Panel

Independent Third Party

33. Following the determination that the complaint should be handled under Process #2, the *Independent Third Party* will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the *Independent Third Party* will appoint an *External Discipline Panel*, of (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:

- a) Coordinate all administrative aspects of the process and set reasonable timelines
- b) Provide administrative assistance and logistical support to the *External Discipline Panel* as required, including providing the *External Discipline Panel* with any information related to previously imposed disciplinary sanctions against the *Respondent(s)* of the policies of Golf Canada, a Provincial Golf Association or a Member Club that had authority over the *Respondent*.
- c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

34. The *Independent Third Party* will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

35. If warranted based on the nature of the case, the *Independent Third Party* may, in their sole discretion, appoint an *External Discipline Panel* of three (3) people. When a three-person *External Discipline Panel* is appointed, the *Independent Third Party* will appoint one of the *External Discipline Panel's* members to serve as the Chair.
36. The *Independent Third Party*, in cooperation with the *External Discipline Panel*, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
37. The hearing will be governed by the procedures that the *Independent Third Party* and the *External Discipline Panel* deem appropriate for the circumstances. The following procedural directions will apply:
- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and Golf Canada and/or the Provincial Association and/or the Member Club are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the *Parties* wishes to have the *External Discipline Panel* consider will be provided to all *Parties*, through the *Independent Third Party*, in advance of the hearing and in accordance with the timelines set by the *Independent Third Party*.
 - d) The *Parties* may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The *External Discipline Panel* may request that any other individual participate and give evidence at the hearing.
 - f) If not a *Party*, Golf Canada, the Provincial Golf Association and/or the relevant *Member Club* shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the *External Discipline Panel*, Golf Canada, the Provincial Golf Association and/or the relevant Member Club may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the *External Discipline Panel* to render its decision.
 - g) The *External Discipline Panel* shall allow any evidence at the hearing filed by the *Parties* and may exclude any evidence that is unduly repetitious or otherwise an abuse of process. The *External Discipline Panel* shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.

- i) The decision will be by a majority vote of the *External Discipline Panel* when the Panel consists of three people.
38. If the *Respondent* acknowledges the facts of the incident(s), the *Respondent* may waive the hearing, in which case the *External Discipline Panel* will determine the appropriate sanction. The *External Discipline Panel* may still hold a hearing for the purpose of determining an appropriate sanction.
39. The process will proceed if a *Party* chooses not to participate in the hearing.
40. If a decision may affect another *Party* to the extent that the other *Party* would have recourse to a complaint or an appeal in their own right, that *Party* will become a *Party* to the complaint, shall be permitted to participate in the proceedings as determined by the *External Discipline Panel*, and will be bound by the decision.
41. In fulfilling its duties, the *External Discipline Panel* may obtain independent advice.

Decision

42. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
43. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed electronically to all Parties, by the Independent Third Party, including to Golf Canada, and to the Provincial Golf Association or Member Club as applicable.
44. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.
45. The External Discipline Panel's decision will come into effect as of the date that it is rendered unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to Golf Canada, the Provincial Golf Association, and/or its relevant Member Club as applicable.
46. Unless the matter involves a *Vulnerable Participant*, once the appeal deadline in the *Appeal Policy* has expired, Golf Canada, the Provincial Golf Association and/or the relevant *Member Club* (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the *Organizational Participant(s)* involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding *Minors* or *Vulnerable Participants* will never be published by Golf Canada, a Provincial Golf Association, or its *Member Clubs*.
47. If the *External Discipline Panel* dismisses the complaint, the information referred to in Section 44 above may only be published with the *Respondent's* consent. If the *Respondent* does not provide such consent, the information referred to in Section 44 above will be kept confidential by the Parties,

the *Independent Third Party*, Golf Canada, the Provincial Golf Association, and the relevant *Member Club* (including the Respondent's *Member Club*, if applicable) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Discipline and Complaints Policy*.

48. Other individuals or organizations, including but not limited to, Member Cubs, and/or Provincial or Territorial sport organizations, shall be advised of the outcome of any decisions rendered in accordance with this Policy.
49. Records of all decisions will be maintained by Golf Canada in accordance with its *Privacy Policy*.
50. When the *External Discipline Panel* imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of the Golf Canada's policies, bylaws, rules or regulations that have been breached;
 - d) Which Party or organization is responsible for the costs of implementing any sanction;
 - e) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) Any reinstatement conditions that the *Respondent* must satisfy (if any);
 - g) Which organization is responsible for ensuring that the conditions have been satisfied; and,
 - h) Any other guidance that will assist the *Parties* to implement the *External Discipline Panel's* decision.
51. If necessary, a *Party* – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the *External Discipline Panel* regarding the order so that it can be implemented or monitored appropriately.

Sanctions

52. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider factors (where applicable):
 - a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
 - c) The respective ages of the individuals involved;
 - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of Golf Canada;
 - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;

- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

53. Any sanction imposed must be proportionate and reasonable. However progressive discipline is not required, and a single incident of Prohibited Behaviour or Maltreatment or other misconduct may justify elevated or combined sanctions.

54. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that an Organizational Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Organizational Participant be involved in other violations.
- b) **Education** - The requirement that an Organizational Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics or the UCCMS*.
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, Event, or competition sponsored by, organized by, or under the auspices of Golf Canada. A suspended Organizational Participant may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant satisfying specific conditions noted at the time of suspension.
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
- f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Golf Canada.
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

55. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incident complained of, shall carry a presumptive sanction of permanent ineligibility.
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

56. An Organizational Participant's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with Golf Canada. *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

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

OSIC Sanction

58. As a Program signatory to the OSIC, Golf Canada will ensure that any sanctions or measures imposed by the OSIC's *Director of Sanctions and Outcomes* ("DSO") will be implemented and respected within Golf Canada's jurisdiction (including at the provincial, territorial and club level) once Golf Canada receives appropriate notice of any sanction or measure from the OSIC.

Appeals

59. The decision of the Internal Discipline Chair or the External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

Confidentiality

60. The discipline and complaints process is confidential and involves only Golf Canada, The Provincial Golf Association (as Applicable), the Member Club (as applicable), the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.

61. None of the parties (or their representatives or witnesses) or organizations referred to in Section 60 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Golf Canada is required to notify an organization such as an international federation, Sport Canada or other sport organizations (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

62. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

Timelines

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

Statistical Reporting

64. Golf Canada shall, at least annually, compile a general statistical report of the activity that has been conducted pursuant to the Discipline and Complaints Policy. This report shall not include any information that is confidential under this Policy, or that has been ordered to be kept confidential by a discipline or appeal panel, but may include the number of complaints Reported to the Independent Third Party and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Internal Discipline Chair process, the Discipline Panel process, and the number of appeals filed pursuant to the Appeal Policy and whether the appeals were upheld, partially upheld or dismissed.

Privacy

65. The collection, use and disclosure of any personal information pursuant to this *Discipline and Complaints Policy* is subject to Golf Canada's *Privacy Policy*.

66. Golf Canada, the Provincial Golf Associations, Member Clubs or any of their delegates pursuant to this *Discipline and Complaints Policy* (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with Golf Canada's *Privacy Policy* in the performance of their services under this Policy.

Appendix A – Discipline and Complaints Policy Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Independent Third Party will determine if the incident(s) should be investigated.

Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an Investigator. The Investigator must be an independent third-party with experience in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interviews with the Complainant
 - b) Witness interviews
 - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
 - d) Interviews with the Respondent
 - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

5. Upon completion of their investigation, the Investigator shall prepare a written report that shall include a summary of evidence from the Parties, and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the Discipline and Complaints Policy because they constitute a likely breach of the Code of Conduct and Ethics, the UCCMS or any other relevant and applicable policy of Golf Canada, a Provincial Golf Association or Member Club policy. The Investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
6. The investigator's report will be provided to the Independent Third Party who will disclose it, at their discretion, all or part of the investigation to Golf Canada, a Provincial Golf Association, or a Member Club, (as applicable). The *Independent Third Party* may also disclose the investigator's report, or a redacted version to protect the identity of witnesses, to the Parties, at their discretion, with any

necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the *Independent Third Party*.

7. Should the Investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, Golf Canada, and where applicable, a Provincial Golf Association or a Member Club and the matter shall be referred by the Independent Third Party to the police.
8. The Investigator must also inform Golf Canada, the Provincial Golf Association or the Member Club, (as applicable) of any findings of criminal activity. Golf Canada, the Provincial Golf Association or the Member Club (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Golf Canada, the Provincial Golf Association or the Member Club (as applicable) or other offences where the lack of reporting would bring Golf Canada, the Provincial Golf Association or the Member Club (as applicable) into disrepute.

Reprisal and Retaliation

9. An Organizational Participant who submits a complaint to the Independent Third Party or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Prohibited Behaviour and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures of OSIC.

False Allegations

10. An Organizational Participant who submits allegations that the Investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to Golf Canada, the Provincial Golf Association, or the Member Club (as applicable) that the Organizational Participant be required to pay for the costs of any investigation that comes to this conclusion.
11. Any Organizational Participant who is liable to pay for such costs shall be automatically deemed not to be in good standing until the costs are paid in full and shall be prohibited from participating in any Golf Canada, Provincial Golf Association or Member Club events, activities, or business. Golf Canada, the Provincial Golf Association, Member Club (as applicable), or the Organizational Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

Confidentiality

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other Party. However, Golf Canada recognizes that maintaining full anonymity during an investigation may not be feasible.

Privacy

13. The collection, use and disclosure of any personal information pursuant to this *Discipline and Complaints Policy* is subject to Golf Canada's *Privacy Policy*.
14. Golf Canada, the Provincial Golf Associations, Member Clubs or any of their delegates pursuant to this *Discipline and Complaints Policy* (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with Golf Canada's *Privacy Policy* in the performance of their services under this Policy.