



# TRACK AND FIELD / ROAD RUNNING / CROSS COUNTRY

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## DISCIPLINE AND COMPLAINTS POLICY

Manitoba Track and Field Association Inc. (Athletics Manitoba)

### Preamble

Athletics Manitoba (AM) is committed to providing an environment in which all Participants involved with the Association are treated fairly and with respect. Participation in the Association's activities brings many benefits and privileges. At the same time, Participants are expected to fulfill certain responsibilities and obligations including complying with the Association's policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied AM provides Participants with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

In addition to the processes outlined within, participants are also able to submit a complaint through the Athletics Canada Commissioner's Office. The Commissioner's Office will determine whether it has jurisdiction over the subject matter of the complaint. Any decision on jurisdiction shall be final and binding.

The Athletics Canada Commissioner's Office has jurisdiction over complaints that contain allegations of any violations of the AC Code, in the following situations:

- Incidents or complaints involving an allegation of maltreatment that occur during any Club or Member business, activities, or events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with a Club or Branch's activities, a Club or Branch's office environment, and any meetings, except in circumstances where at the time the complaint is filed with the Commissioner:
  - the claimant has registered the same or similar complaint with the relevant Club or Member.
  - the Club or Member has a Policy and Procedure that governs the subject matter of the complaint.
- Notwithstanding the forgoing, the Commission may exercise jurisdiction over a maltreatment complain involving a Club or Branch where one of the Parties to the Complaint submits and the Commissioner agree:
  - That there has been an undue delay in the review of the complaint.
  - That the complain cannot be fairly reviewed under the Club or Member Policy or Process due to a conflict of interest
- Where a complaint does not concern a matter of maltreatment, the commissioner's Office will direct that the complaint be handled under the jurisdiction of the policies of AM.

### Definitions

The following terms have these meanings in this Policy:

- "Association" – Athletics Manitoba.
- "Days"- Any day of the week, including weekends and holidays
- "Participants" – Refers to all categories of individual members and/or registrants defined in the By-laws of AM who are subject to the policies of AM, as well as all people employed by, contracted by, or engaged in activities with AM including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
- "Minor"- Anyone under 18 years of age

- “*Official of the Association*”: Individuals recognized by Athletics Manitoba and Athletics Canada as having received training and having the skills to officiate events at Track and Field competitions.
- “*Parties*” – The Complainant, Respondent, and any other individuals affected by the complaint.
- “*Complainant*”- party bringing the complaint forward
- “*Case Manager*” – Is the individual appointed to handle a case within the scope of this Discipline and Complaints Policy. The Case Manager does not need to be a member of, or affiliated with, AM
- “*Respondent*” – The alleged infracting Party.
- “*Trivial*” – having no import or consequence, of little value.
- “*Frivolous*” – Characterized by a lack of seriousness or serious purpose or value. The object of the complaint may be to undermine AM, the sport, or the subject of the complaint by association with the lack of serious purpose of the complaint
- “*Vexatious*” – a complaint brought forward in bad faith with the purpose of embarrassing the other party
- “*Investigation Authority*” – Authority responsible for investigating a complaint. This could be a Complaints Investigator, Independent Review Panel, or Investigation Authority as appointed by Sport Manitoba or the Athletics Canada Commissioner’s Office.

### Application of this Policy

1. This Policy applies to all Participants, as defined in the Definitions Section.
2. This Policy applies to discipline matters that may arise during the Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association, the Association Board of Director meetings and any other Association meetings.
3. This Policy also applies to Participants’ conduct outside of AM’s business, activities, and events when such conduct adversely affects relationships within AM (and its work and sport environment) and is detrimental to the image and reputation of AM. Such applicability will be determined by AM at its sole discretion.
4. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the 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 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 Participant(s).
5. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
6. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of AM who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s Employment Agreement or policies for human resources, if applicable.
7. AM may at its discretion, assume jurisdiction of a complaint that was submitted to a Member Club. In such cases, AM’s Case Manager will determine whether the complaint process should be re-started or resumed pursuant to the applicable section of this Policy.

### Reporting a Complaint

8. Any Participant may report any complaint to AM.

9. At AM's discretion, AM may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, AM will identify an individual to represent the organization.
10. Resignation or lapsing of membership after a complaint is filed does not preclude discipline being pursued under this Policy.
11. Any Individual may report a complaint to a representative of the Association. That representative may be a staff member or a volunteer position within the Association. Upon receiving a complaint, the representative will provide it to the Executive Director (ED) or designate, if the ED is not available or unable to act or any other reason.
12. A complaint must be received in writing (whether electronic or hard copy). The complaint will contain:
  - The date(s) or time frame of the incident,
  - The identity and contact information of the Complainant
  - The identity of the Respondent
  - Possible witnesses
  - Sufficient details of the facts of the infraction to identify it.The Complainant submitting the complaint may sign the complaint.
13. Upon receiving a complaint, the ED has the responsibility to inform AM's President. Together, they have the responsibility to:
  - a) Determine whether the complaint constitutes a minor infraction (See **Appendix A – Minor Infractions**)
    - i. Subsequently confirm whether the minor complaint can be dealt with by a person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or Association decision-makers.
    - ii. The person in authority must report any sanction or discipline (if applied) back to the ED and President for retention or distribution as necessary.
  - b) Determine whether the complaint constitutes a major infraction or dispute, that requires either a neutral third party to facilitate resolution via Alternate Dispute Resolution and/or mediation, an independent decision-making panel, or hearing process. (See **Appendix B – Major Infractions**)
    - i. Should the parties unanimously agree to proceed using Alternate Dispute Resolution and/or mediation, the process set out in the *Dispute Resolution Policy* shall be followed from this point.
    - ii. Should the parties not agree, submit the complaint/dispute to the Sport Manitoba dispute resolution process, whereby a Case Manager will be appointed, and the process contained here within shall be followed.
14. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.
15. Any infractions or complaints occurring within competition will be dealt with pursuant to the appropriate procedures at that competition. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

#### **Time frame for a complaint**

16. A complaint must be In Writing and must be filed within fourteen (14) days of the alleged incident or within fourteen (14) days of the end of the sport/league/competitive season, at the discretion of the individual filing the complaint.
17. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the

complaint outside of the fourteen (14) day period will be at the sole discretion of AM or the Case Manager, as applicable. This decision may not be appealed.

### **Late complaints**

18. Complaints submitted outside of the fourteen (14) day period must include additional details providing reasons for the delay past 14 days. The decision to proceed with a complaint of this nature will be made by the Case Manager.
19. With regard to serious complaints, the Case Manager will take into account that the 14 day period should not act as an impediment to reporting.
20. The Case Manager may find the reasons for delay to be reasonable and, may, without restricting itself to the following, take into account that;
  - a) The delay was frivolous, vexatious or trivial and contributed those qualities to the complaint itself,
  - b) The delay was the result of intervening factors,
  - c) That because of the delay or other consequences there are not further effective sanctions,
  - d) The delay was due to honest mistake or confusion.
21. If the Case Manager decides that a complaint has not been made in a reasonable time then it may be dismissed. The Case Manager may, alternatively, give an extension to the complainant to the timeline above if the delay was reasonable or, for the purpose of providing further required information from 17(a) above.

### **Anonymous Complaints**

22. The Executive Director or designate may receive an anonymous complaint and refer said complaint to the Executive where the nature of the complaint is detrimental to:
  - i. the integrity of the membership of the association, the Association or to the sport of Athletics itself, or
  - ii. the psychological, social or moral integrity of an athlete or group of athletes.
23. Where, in the opinion of the Executive, the complaint is
  - i. outside the jurisdiction of Athletics Manitoba, or
  - ii. frivolous, trivial or vexatious, or
  - iii. insufficient to meet tests in 8(a)(i) or 8(a)(ii) abovethe Executive shall dismiss the complaint and when applicable, notify the complainant that the complaint is not accepted and will provide guidance/recommendation on the appropriate authority where/how to best have the matter addressed.
24. All complaints not so dismissed will be referred to a Case Manager

### **Interim Suspension without Notice for Serious Complaints:**

25. Where a complaint reveals behavior of either a criminal, abusive, or harassing nature, the Executive Director shall immediately notify the President to convene an emergency meeting of the Executive of the Athletics Manitoba Board of Directors (President, Vice President, Secretary and Treasurer) to consider suspension of the Respondent identified as the topic of the complaint.
  - a) The primary consideration of the meeting will be the protection of the membership of the Association and the integrity of the Association.
  - b) Should the Executive of the Board of Directors conclude that the behaviour alleged in the complaint significantly affects the psychological, social, physical or moral integrity of a member, the Association or the sport, the Executive of the Board of the Directors shall immediately suspend the Respondent from all activities within AM and inform:
    - i. The Complainant
    - ii. Appropriate members of the Justice system
    - iii. The Executive Director
    - iv. The Complaints Investigator, where appropriate
    - v. The public, as to the suspension only, when appropriate only

- vi. Athletics Canada
- c) After a suspension of this nature, the matter will be referred back to the Executive Director until the conclusion of any criminal charges associated with the complaint.
- d) Where no criminal charges are laid, or no suspension occurs the Executive Director will deal with the matter as with any other complaint.

### Case Manager

26. Upon the receipt of a complaint, AM will ensure the appointment of a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy. Such an appointment is not appealable. The Case Manager must not be in a conflict of interest and must have no affiliation or connection with either party.
27. The Case Manager has a responsibility to:
- a. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
  - b. Propose the use of AM's *Dispute Resolution Policy*
  - c. Determine if the complaint should be investigated (per **Appendix C – Investigation Procedure**)
  - d. Appoint the Discipline Panel, if necessary
  - e. Coordinate all administrative aspects and set timelines
  - f. Provide administrative assistance and logistical support to the Discipline Panel as required
  - g. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

### Procedures

28. If the Case Manager determines the complaint is:
- a. Frivolous, the complaint will be dismissed immediately
  - b. Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
  - c. Outside the jurisdiction of this Policy, the Case Manager will notify the complainant that the complaint is not accepted and will provide guidance/recommendation on the appropriate authority where/how to best have the matter addressed.
29. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
30. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
31. After notifying the Parties that the complaint has been accepted, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three persons, may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair. The members of the Discipline Panel must be unbiased and not in a conflict of interest.
32. The Case Manager, in cooperation with the 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, which may involve direct communication with the Parties, 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. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium

- b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel
33. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
34. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
35. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in its own right, that party will become a Party to the current complaint and will be bound by the decision.
36. In fulfilling its duties, the Discipline Panel may obtain independent advice.

### Decision

37. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and AM. In extraordinary circumstances, the 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. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

### Sanctions

38. Prior to determining sanctions, the Discipline Panel will consider factors relevant to determining appropriate sanctions which include:
- 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 inappropriate behaviour or Maltreatment;
  - c) The 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 Maltreatment, and/or cooperation in the process of AM;
  - 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

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

40. The Discipline Panel 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 a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations
- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including 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 of time
- 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 AM. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the 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 AM
- 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

41. The Discipline Panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Complainant who is a minor 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 dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

42. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with AM. *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
- e) Any offence involving trafficking of illegal drugs

43. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
44. Infractions that result in discipline will be recorded and records will be maintained by AM.

#### **Suspension Pending a Hearing**

45. AM may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

#### **Confidentiality**

46. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

#### **Timelines**

47. 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 Discipline Panel may direct that these timelines be revised.

#### **Records and Distribution of Decisions**

48. Records must be kept of all complaints received.
  - a) Minor Infractions – 3 years
  - b) Major Infractions or other – In perpetuity
49. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

#### **Appeals Procedure**

50. The decision of the Discipline Panel may be appealed in accordance with AM's *Appeal Policy*.



## Appendix A – Minor Infractions

### Minor Infractions

51. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to the Association. Examples of minor infractions can include, but are not limited to, a single incident of:
- Disrespectful, offensive, abusive, racist, or sexist comments or behavior
  - Disrespectful conduct such as outbursts of anger
  - Conduct contrary to the values of the Association
  - Being late for, or absent from, the Association events and activities at which attendance is expected or required
  - Non-compliance with the Association's policies, procedures, rules, or regulations, and
  - Minor violations of the Association's *Code of Conduct and Ethics*.
52. All disciplinary situations involving minor infractions will be dealt with by a person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or Association decision-makers.
53. Provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
54. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
- Verbal or written reprimand from the Association to one of the Parties
  - Verbal or written apology from one Party to the other Party
  - Service or other voluntary contribution to the Association
  - Removal of certain privileges of membership for a designated period of time
  - Suspension from the competitions, activities, or events
  - Restriction of activities
  - Any other sanction considered appropriate for the offense (as per section **3.1 of the Code of Conduct**)

Minor infractions that result in discipline will be recorded and records will be maintained by the Association.

## Appendix B – Major Infractions

### Major Infractions

55. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, or to the Association. Examples of major infractions include, but are not limited to:
- a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical or sexual abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the Association's image, credibility, or reputation
  - h) Disregard for the Association's bylaws, policies, rules, and regulations
  - i) Major or repeated violations of the Association's *Code of Conduct and Ethics*
  - j) Intentionally damaging Association property or the property at which the activity takes place or improperly handling of the Association's monies
  - k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illegal drugs
  - l) Any possession or use of performance enhancing substances or methods
  - m) Theft of money and/or property of others
  - n) Cheating during a competition.

## Appendix C – Investigation Procedure

### Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

### Investigation

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled 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, AM'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 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 report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to AM and the relevant club (if applicable).
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and AM to refer the matter to police.
9. The Investigator must also inform AM of any findings of criminal activity. AM 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 AM, or other offences where the lack of reporting would bring AM into disrepute.

**Reprisal and Retaliation**

10. A Participant who submits a complaint to AM or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

**False Allegations**

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) 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. AM or the Participant against whom the allegations were submitted, may act as the Complainant.

**Confidentiality**

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