

STATEMENT of POLICY and PROCEDURE			
Subject:	Discipline and Complaints Policy and Procedure	Effective:	August 1, 2021
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Part 1 – General

1. Definitions

1.1. For purposes of this Policy and Procedure:

- a) “CEO” means Chief Executive Officer, or a substitute as appointed from time to time by the CEO or WCH.
- b) “Code of Conduct and Ethics” means WCH’s Code of Conduct and Ethics and any other code of conduct provisions embodied in agreements with a WCH Member or Individual.
- c) “Club” means a weightlifting club affiliated with and member of a PSO or WCH.
- d) “Complaint” means an official written complaint filed with by a Member or Individual to the ICA.
- e) “Complaint Manager” means an independent party responsible for managing Complaints and Reported Incidents assessed by the ICA or in accordance with this Policy and Procedure.
- f) “WCH” means the body duly incorporated under the name Weightlifting Canada Haltérophilie.
- g) “Days” means days, irrespective of weekends or holidays.
- h) “Events or Activities” means day to day business, events, competitions, conferences and meetings, training camps and any other events, competitions, activities attended by, sanctioned, or organized by WCH.
- i) “Hearing” means the hearing conducted by the Discipline Panel pursuant to this Policy and Procedure.
- j) “Independent Complaint Assessor or ICA” means an independent third party responsible for receiving Reported Incidents and Complaints and determining the appropriate course of action in accordance with this Policy and Procedure.
- k) “Individuals” means all individuals engaged in WCH business, Events and Activities including but not limited to, athletes, coaches, officials, volunteers, directors, parents or registrants, registrants, officers, team managers, team captains, medical and paramedical personnel, administrators.
- l) “Investigation” means an investigation conducted under this Policy and Procedure either by the ICA or an external investigator appointed by the ICA
- m) “Major Infractions” or “Minor Infractions” means infractions described in this Policy Procedure and WCH Policies.

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- n) "Member" means a member as defined in WCH's By-Laws.
- o) "Minor" means a person under the age of majority as defined in each province of Canada.
- p) "Panel or Discipline Panel" means the Panel appointed to hear and determine a Major Infractions related Complaint pursuant to Part III of this Policy and Procedure.
- q) "Party or Parties" means the Complainant and Respondent and any other party involved in a Disciplinary procedures, Investigation and Complaint.
- r) "Provincial Sports Organization or PSO" means WCH's recognized provincial sport organization responsible for weightlifting in its territory.
- s) "Reported Incident" means an incident during which a possible Minor or Major Infraction might have occurred and that is reported to WCH or ICA.
- t) "Respondent" means the person, Member or Individual alleged to have committed the misconduct or Minor or Major Infraction as defined in this Policy and Procedure.

2. Scope and application of this Policy and Procedure

- 2.1. WCH is committed to provide a welcoming and safe environment to its Members and registered Individuals. It wants to ensure that unwelcomed behaviors and conducts occurring within WCH business, Events or Activities and/or any alleged breaches to WCH's Code of Conduct and Ethics or Policies can be reported, complained, and managed properly and equitably in accordance with procedural fairness.
- 2.2. This Policy and Procedure applies to Reported Incidents or Complaints lodging by or involving WCH's current and past Members or Individuals, arising from or pertaining to WCH business, Events or Activities.
- 2.3. Disputes involving the decisions of PSO or Clubs are to be pursued through the appropriate PSO or club's discipline and complaints policies. In absence of a PSO or Club complaints policy and procedure, WCH may, at its discretion, agree to manage the PSO or Club related complaints. However, if the ICA or the CM determines that the alleged Complaint falling within the jurisdiction of a PSO or Club involves a national level interest, the ICA or CM may decide that this Policy and Procedure will apply.
- 2.4. An individual or any person reporting an Incident to the ICA does not have the status of Complainant until he or she decides to become one. The Reported Incident might become an official Complaint either filed by a Complainant or WCH who can act as the Complainant. WCH can also report an Incident.

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- 2.5. Depending on the nature of the Reported Incident or Complaint, an employee who is a Complainant or Respondent may be subject to this Policy and Procedure in addition to WCH human resources employee Policy, as well as the employee’s employment agreement where applicable.
- 2.6. If the Complainant, the Respondent, or a witness is a Minor, as defined by the provincial jurisdiction where the Minor resides, a guardian or parent shall act as representative of the Minor. The ICA, the CM or the Discipline Panel shall have full discretion to make the appropriate decision to ensure optimal confidentiality and protection of the Minor including to not comply the Minor to participate in any proceedings contemplated in this Policy and Procedure.
- 2.7. If a Reported Incident or Complaint must be reported by Law or if WCH decides it should be reported to an external agency, sport organization, the police law enforcement, or a child protection agency, WCH will report it.
- 2.8. If WCH or the ICA finds, at the face of the Reported Incident or Complaint, that it is enough serious to justify an immediate disciplinary measure or interim suspension, WCH may take that decision at its discretion.
- 2.9. This Policy and Procedure addresses 3 types of Infractions. The Minor Infractions shall be governed by Part II of this Policy and Procedure. The Major Infractions shall be governed by Part III of this Policy and Procedure. Any dispute or infractions arising outside of Canada and where there is a critical lack of time, shall be governed by Part IV of this Procedure.

3. The Independent Complaint Assessor or ICA

- 3.1. The CWFCH shall appoint an experienced Independent Complaint Assessor or ICA who should be completely independent from WCH and the sport of weightlifting. The ICA shall have a demonstrated experience in investigations, alternative dispute resolution, managing disputes and complaints and in understanding the Canadian sport system. The ICA shall have the full discretion and authority to manage the Reported Incidents and Complaints in accordance with this Policy and Procedure.
- 3.2. The role of the Independent Complaint Assessor is to:
- a) receive and assess the Reported Incident or Complaint and meet the Incident reporter or Complainant in private and full confidence
 - b) when and if appropriate, seek to resolve the dispute to the mutual satisfaction of the

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involved Parties.

c) investigate or appoint an investigator to investigate the Reported Incident or Complaint.

d) once the screening or investigation is complete:

- i. Decide if the Reported Incident or Complaint constitute a Minor or Major Infraction as defined in this Policy and Procedure.
- ii. If the Reported Incident or Complaint is determined to be a *Major Infraction*, either appoint an external investigator or refer the matter to the Complaint Manager who shall appoint a Discipline Panel to hear the Parties on the Complaint and determine the consequences, if any, in accordance with Part III of this Policy and Procedure.
- iii. If the Reported Incident or Complaint is determined to be a *Minor Infraction*, refer it to the Complaint Manager who will manage it for the Parties in accordance with Part II of the Policy and Procedure. No Disciplinary Panel will be appointed for a Minor Infraction.
- iv. Reject the Reported Incident or Complaint if he or she finds it unfounded, frivolous, or vexatious.
- v. Take any other measures deemed appropriate in the circumstances.
- vi. Provide updates to WCH on the procedures but not on the merits of the case.
- vii. Ensure the confidentiality of the proceedings.

3.3. If the ICA appoints an external investigator, the investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to ICA. The investigator's report will not be communicated to WCH or the Parties. The investigator shall have no power to render any decision against the Complainant or the Respondent and shall clearly determine if the alleged Reported Incident or Complaint constitute a Minor or Major Infraction or not an infraction with rationales.

3.4. A summary of the investigator's report can be shared with the Parties if the matter proceeds to a discipline hearing, but the full report will be considered confidential and will not be shared outside of the ICA.

3.5. The ICA will make its decision in accordance with Section 3.2 d) within twenty-one (21) days of the receipt of the Reported Incident and Complaint unless the complexity or the circumstances warrants an extension.

4. The Complaint Manager or CM

4.1. The CWFCH shall appoint an experienced person to manage Complaints' related cases on behalf of WCH. The Complaint Manager or CM shall be completely independent from WCH

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and the sport of weightlifting. The CM shall have demonstrated experience in investigations, alternative dispute resolution, managing disputes and complaints and in understanding the Canadian sport system. The CM shall manage Hearing procedures and assist the Parties and the Discipline Panel in accordance with this Policy and Procedure.

4.2. The role of the Complaint Manager is to:

- a) Assist the Parties in resolving a dispute arising out of the Complaint for a *Minor Infraction*.
- b) Determine the consequences of a *Minor Infraction* related Complaint after hearing all Parties.
- c) Appoint a Discipline Panel when instructed as such by the ICA.
- d) Assist the Parties and the Discipline Panel in conducting the proceedings contemplated in Part III.

5. Reporting an Incident or filing a Complaint

5.1. Any Reported Incident or Complaint must be made in writing to the Independent Complaint Assessor or ICA within fourteen (14) days of the Incident. The Incident reporter or Complainant, if he or she wishes to, may use WCH Incident report or Complaint form or any other mean as long as the Reported Incident and Complaint clearly identifies and describes the date, location, the alleged infraction or misconduct and the Respondent (s). This timeline may be waived by the Independent Complaint Assessor if circumstances presented to the ICA demonstrate that the Incident reporter or Complainant could not file the Reported Incident or Complaint within the fourteen days (14) of the Incident.

5.2. Depending on the nature of the Reported Incident or Complaint a verbally received summary may be forwarded to the ICA or any appropriate law enforcement and external agency.

5.3. Depending on the nature of the Reported Incident or Complaint, WCH may issue an immediate interim suspension of membership pending the outcome of the ICA's assessment, the investigation, the determination of the Discipline Panel, the outcome of an external investigation initiated by a partner organization or a law enforcement or external agency. Such decision will be made at WCH's discretion and is not appealable.

5.4. Upon receipt of the Reported Incident or Complaint, the ICA will acknowledge receipt and provide notice to any other affected Parties and the Respondent that a Complaint has been received. If it is a Reported Incident, the ICA may decide, at his or her discretion, to investigate the Reported Incident before providing notice to other Parties.

5.5. The Reported Incident or Complaint may be anonymous.

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Part II – Minor Infractions

6. Definition and scope of Minor Infractions

- 6.1. This part of the Policy applies to *Minor Infractions* which may arise during all WCH business, Events or Activities. Examples of Minor Infractions can be found in Appendix A.
- 6.2. Minor Infractions arising within the business, activities, or events of PSO or weightlifting Club, shall be dealt with using the discipline policies and mechanisms of such organizations.

7. Disciplinary procedures for Minor Infractions

- 7.1. Reported Incident or Complaint defined as Minor Infractions occurring within the jurisdiction of WCH shall be dealt with by the appropriate person having authority over the situation and the Individual involved. Such Reported Incident or Complaint is not screened or assessed by the ICA unless the nature of the Infraction needs to be determined by the ICA. A Complaint for Minor Infraction may be referred to and managed directly by the Complaint Manager who will determine the appropriate dispute resolution solution in accordance with this Policy and Procedure.
- 7.2. Procedures may be informal and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the Individual being alleged to have committed the Minor Infraction is informed of the details of the alleged infraction and has an opportunity to provide his or her version of the facts.
- 7.3. The following disciplinary sanctions may be applied, singularly or in combination, for Minor Infractions:
 - a) verbal reprimand;
 - b) written reprimand to be placed in Individual's file;
 - c) verbal apology;
 - d) hand-delivered written apology; or
 - e) team service or other voluntary contribution to WCH.
- 7.4. Minor Infractions shall be recorded by the CEO or WCH designate or Complaint Manager. Repeated Minor Infractions may result in a Major Infraction in which case Part III shall apply.
- 7.5. Decisions related to Minor Infraction are final and binding and are not appealable under WCH's Appeals Policy.

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PART III – Major Infractions

8. Definition and scope of Major Infractions

- 8.1. Major Infractions are behaviors more severe than Minor infractions that may result into more harm and aggravating consequences. Major Infractions includes but are not limited to breaches of WCH’s Code of Conduct and Ethics and of the Harassment, Abuse, Maltreatment and Bullying Policy. Examples of Major Infractions are described in Appendix B.
- 8.2. Reported Incident of Complaint alleging Major Infractions shall be directly filed with the Independent Complaint assessor.

9. Disciplinary procedures for Major Infractions

- 9.1. If the ICA determines that the Reported Incident or the Complaint falls within the definition of a Major Infraction and should be dealt with more formally by means of a Hearing, the ICA will refer the matter to the Complaint Manager who will appoint a Discipline Panel to hear the Parties on the Complaint.
- 9.2. Within five (5) days of the ICA’s decision to refer the matter to the Complaint Manager and Discipline Panel, the Complaint Manager shall appoint three (3) members to act as Panel members and one Chair among them.
- 9.3. The Discipline Panel shall be independent from the Parties and WCH.
- 9.4. The Discipline Panel shall determine and conduct the Hearing procedures and may request the assistance of the CM to act as case manager.
- 9.5. Having regard to the nature of the Major Infraction and the potential consequences of any resulting sanctions, the Discipline Panel will decide whether to conduct the Hearing by way of review of documentary evidence, by way of oral hearing or by way of a combination of these methods, after consulting with the Parties. If the Discipline Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of video or telephone conference.
- 9.6. The Discipline Panel may decide that a preliminary meeting is necessary to determine preliminary procedural, administrative, or legal issues. The Discipline Panel may delegate to one of its Panel members the authority to deal with these preliminary matters, which may include but are not

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limited to:

- a) date and location of the Hearing.
- b) timelines for the exchange of supporting documents and submissions.
- c) clarification of issues related to the Infraction.
- d) format and procedures of the Hearing.
- e) evidentiary rules and evidence to be brought before the Hearing.
- f) identification of any witnesses.
- g) any other procedural matters that may assist in expediting the Hearing as long as procedural fairness is respected.

9.7. The Discipline panel will govern the Hearing as it sees fit, provided that:

- a) the Hearing will take place within twenty-one (21) days of the Panel's appointment, unless otherwise determined by the Discipline Panel after consulting with the Parties.
- b) the Respondent will be given twenty-one (21) days written notice of the day, time, and place of the Hearing.
- c) the Parties receive a summary version of the Investigator's report if an investigation was carried out.
- d) all Parties will have an opportunity to adduce evidence and make submissions before the Panel.
- e) all Parties may be accompanied by a representative.
- f) the Disciplinary Panel's quorum shall be three (3) Panel members, and decisions be rendered by a majority vote.
- g) the Discipline Panel may request that any witness or any other person be present at the Hearing or submit written evidence in advance of the Hearing.
- h) if the Respondent chooses not to participate in the Hearing, the Hearing will proceed in his or her absence.
- i) the Hearing will be held in private and without the presence of Parties or the Respondent especially if the Complainant or witness is a Minor or as determined by the Panel at its discretion.
- j) WCH may be granted an observer status at the Hearing as determined by the Panel.

9.8. Once appointed, the Discipline Panel will have the authority to abridge or extend timelines associated with any aspect of the Hearing.

9.9. In deciding the matter, the Discipline Panel has the power to review all the facts and the law.

9.10. After hearing the matter, the Discipline Panel will determine whether the Respondent has committed a Major Infraction and if so, the appropriate sanction (s) or consequence (s) to be imposed and any measures to mitigate the harm suffered by others as a result of the Major

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Infraction.

9.11. The Discipline Panel's written decision, with reasons, will be distributed to all Parties and to WCH within seven (7) days of the conclusion of the Hearing. The Panel may decide to, based on the circumstances of the case, issue a short decision with reasons to follow.

9.12. If the Respondent acknowledges the facts alleged in the Complaint, he or she may waive the Hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a Hearing for the purpose of determining an appropriate sanction.

9.13. If the Discipline Panel determines that the Complaint or alleged Infractions or misconducts are false, vexatious, retaliatory, or frivolous, the Discipline Panel may direct that there be disciplinary action against the Complainant.

9.14. The Discipline Panel may apply the following disciplinary sanctions, singly or in combination, for Major Infractions:

- a) written reprimand.
- b) removal of certain privileges of membership or employment.
- c) suspension from certain events which may include suspension from the current competition or from future teams or competitions.
- d) suspension from certain WCH activities such as competing, coaching, or judging for a designated period of time.
- e) suspension from employment with or without pay.
- f) suspension from all WCH business, Events or Activities for a designated period of time.
- g) expulsion from membership.
- h) publication of the decision.
- i) other sanctions as may be considered appropriate for the infraction.

9.15. In determining sanctions, the Discipline Panel may consider the following aggravating or mitigating circumstances:

- a) the nature and severity of the Infraction.
- b) the extent to which others have been harmed by the Infraction.
- c) the cooperation of the Respondent in the proceedings under this Policy and Procedure.
- d) whether the Infraction is a first offense or has occurred repeatedly.
- e) the Respondent's acknowledgment of responsibility.
- f) the Respondent's remorse and post-Infraction conduct.
- g) the age, maturity, or experience of the Respondent.
- h) whether the Respondent retaliated, where the Incident involves harassment

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i) the Respondent’s prospects for rehabilitation.

9.16. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will commence at the date the decision is issued. Failure to comply with a sanction as determined by the Discipline Panel will result in automatic suspension of membership or participation in WCH business, Events and Activities until such time as the sanction is complied with.

9.17. Where the Reported Incident or alleged Infraction may constitute Harassment, Discrimination, Maltreatment, Bullying and Abuse or is of a similar nature, WCH will keep all proceedings under this Policy confidential, except where disclosure is directed by the Discipline Panel as part of a sanction, is required by law or is in the best interests of the public.

9.18. The decision of the Discipline Panel will be final and binding upon all Parties. Except where otherwise provided, the decision of the Discipline Panel may be appealed in accordance with WCH’s Appeals Policy.

PART IV – Disputes arising outside Canada and where there is a critical lack of time

9.19. Any dispute between WCH’s Individuals arising outside of Canada and where there is a critical lack of time resulting from a breach of WCH Policies, Procedures, rules, and contracts shall be governed by these provisions.

9.20. The term «outside Canada» shall mean any period of time where WCH’s Individual is out of Canada under the auspices of WCH, including travelling to competitive events, participating in or training for such events and traveling home after the events.

9.21. Whenever possible, Complaints or disputes under this Part IV shall be heard and determined by a the official WCH’s designate.

9.22. Depending on the nature of the Complaint or dispute and the severity at the time, WCH’s designate may decide immediately on a course of action.

9.23. Notwithstanding any other processes contained in this Policy and Procedure, nothing shall prevent WCH’s designate from assuming jurisdiction when the Complaint, dispute or the breach of any policy, rules or contract arises outside Canada and when there is a critical lack of time to respond to a Complaint or the breach and to impose, in a reasonable and fair manner, sanctions or disciplinary action against a WCH’s Individual.

9.24. Any sanction, discipline or remedy imposed upon WCH’s Individual by WCH’s designate

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shall:

- a) be reasonable and proportionate to the conduct complained of after reasonably investigating the manner and hearing WCH Individual's version of events in a procedurally fair manner as deemed appropriate and feasible by WCH's designate in the circumstances.
- b) where a decision is made by WCH's designate that results in the removal of an WCH's Individual from a competition, such a decision may only be implemented by WCH's designate after WCH's designate consults and obtains written approval from the CEO or the president of WCH or their designated representatives.

9.25. The decisions of WCH's designate shall be binding on all Parties. Failure by a WCH's Individual to comply with a decision and remedy properly imposed by WCH's designate shall result in an automatic suspension of all WCH's privileges and there shall be no further right to participate at such event or competition, until such time as the sanctions, discipline or other remedies are complied with.

9.26. Where a dispute is of a highly sensitive nature, WCH shall keep all proceedings under Part IV of this Policy confidential, except where disclosure is directed as part of the remedy to resolve the dispute, is required by law, by order of a Court of competent jurisdiction, pursuant to the Canadian Anti-Doping Policy or is in the best interests of the public.

9.27. If a party believes the decision of WCH's designate rendered pursuant to this Part IV of the Policy has violated the rule of natural justice, the decision of WCH designate may be appealed according to WCH Appeal Procedure.

9.28. A Complaint arising outside of Canada and where there is a critical lack of time pursuant to this Part IV managed and determined by WCH's designate may also be determined under Part II or Part III of this Policy and Procedure, if the circumstances or type of Infraction so warrant, as determined by the ICA at his her discretion.

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APPENDIX A – Examples of Minor infractions

A Minor Infraction may be, but not limited to:

- 1) a single incident of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards Individuals and, but not limited to, peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors and any Individuals.
- 2) a single incident of being absent from WCH business, Events and Activities at which attendance is expected or required.
- 3) breach of curfew as designated by WCH designate.
- 4) non-compliance with the rules and regulations under which WCH Business, Events and Activities are conducted, whether at the local, provincial, national, or international level.
- 5) Any other incident determined to be a Minor Infraction by the ICA or the CM.

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APPENDIX B – Examples of Major Infractions

A Major Infraction may be, but not limited to:

- 1) an egregious or repeated incident of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards Individuals, and, but not limited to, peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
- 2) repeated incidents of being late for or absent from WCH business, Events and Activities at which attendance is expected or required.
- 3) any action or conduct that would, in the discretion of WCH or the ICA be detrimental to the reputation or image of WCH.
- 4) the willful abuse of property owned, rented, borrowed, or leased by WCH including but not limited to vehicles, hotel rooms and team equipment.
- 5) serious breach of curfew as designated by WCH or its designate.
- 6) activities or behavior which interfere with a competition or with any athlete's preparation for a competition.
- 7) hazing, pranks, jokes or other activities, which may be construed as harassing, abusive, humiliating; or having the potential to endanger the safety of others (including coercive activities such as pressure, physical or psychological, to participate in a specific initiation rite).
- 8) deliberate disregard for the rules and regulations under which WCH Business, Events and Activities are conducted, whether at the local, provincial, national or international level.
- 9) abusive use of alcohol where abuse means a level of consumption which impairs the Individual's ability to speak, walk or drive; causes the Individual to behave in a disruptive manner; or interferes with the Individual's ability to perform effectively and safely.
- 10) any use of alcohol by athletes under the age of 18 or where prohibited by law.
- 11) use of illicit and illegal drugs and narcotic.
- 12) use of banned performance enhancing drugs or methods.
- 13) use drugs for the use for which they were not intended including over the counter drugs.
- 14) misconducts of Harassment, Discrimination, Maltreatment, Bullying and Abuse, as defined by WCH Policies.
- 15) any breaches of WCH's Code conduct and Ethics determined to be an egregious one.
- 16) Any misconduct deemed serious enough by the ICA to constitute a Major Infraction.