

Policies and Procedures

90 – Conduct and Enforcement

Policy Number:	90.30
Name:	Complaints, Investigation and Discipline Policy
Origin:	Board of Directors
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90.30.1 DEFINITIONS

- 90.30.1.1 Affected Parties – means one or more of the following: the Complainant; Respondent; the respective Director of Athletics (or equivalent), institution president (or equivalent), and/or Regional Association executive director (or equivalent) of both the Complainant and Respondent; and/or others, all at the discretion of the Manager of Compliance.
- 90.30.1.2 Charge – means the written summary prepared by the Manager of Compliance setting out the relevant facts of an alleged violation and the Manager of Compliance’s determination of the Level of that violation.
- 90.30.1.3 Complainant – means the party who initiates a Complaint or self-disclosure under this Policy, which can be U SPORTS, or an individual, Regional Association, or Member Institution engaged in the activities of U SPORTS within the scope of this Policy; in the case of a self-disclosure, the Complainant is also the Respondent.
- 90.30.1.4 Institution Representatives – has the meaning ascribed thereto in Policy 40.10.7.1.5.
- 90.30.1.5 Level 1 – means the classification of violation set out in Policy 90.30.6.1.
- 90.30.1.6 Level 2 – means the classification of violation set out in Policy 90.30.6.3
- 90.30.1.7 Level 3 – means the classification of violation set out in Policy 90.30.6.5.
- 90.30.1.8 Manager of Compliance - the U SPORTS Manager of Compliance, Eligibility and Discipline (or its organizational equivalent in the event such title changes over time), or his or her designate.
- 90.30.1.9 Panel – the panel of three (3) individuals that will review the Record associated with a Level 2 violation as set out in Policy 90.30.6.4.
- 90.30.1.10 Record – means the Complaint, the report of the investigator (if any), the Charge, the written statement of the Respondent (if any), and/or any other documentation that may have been considered in the determination of a disciplinary decision.
- 90.30.1.11 Respondent – means the party against whom a Complaint has been initiated under this Policy, which can be an individual, Regional Association, Institution Representative, and/or the respective Director of Athletics (or equivalent) of a Member Institution.
- 90.30.1.12 Tribunal – the tribunal comprised of three (3) individuals that will review the Record

associated with a Level 3 violation as set out in Policy 90.30.6.6.

90.30.2 CORE VALUES

90.30.2.1 U SPORTS expects that all participants including Member Institutions, Regional Associations, Directors of Athletics (or equivalents), coaches, officials, student-athletes, administrators, Institution Representatives, volunteers, and others connected to our athletic programs and events uphold our core values of honesty, integrity, fair play, sincerity and honourability. All participants shall accept and actively encourage compliance with both the spirit and the letter of the rules governing U SPORTS, and shall ask for clarity on or interpretation of any rule regarding which there is uncertainty. An accepted element of the spirit of those rules is that any suspected violation be brought forward as a Complaint or be brought to the attention of the alleged violator as soon as possible, and that intentionally withholding such suspicion until a later date is against the spirit of the rules.

90.30.3 APPLICATION

90.30.3.1 As a legal entity, U SPORTS has the authority to establish policies to govern its own affairs and to prescribe, monitor and enforce the conduct of its Member Institutions and the conduct of other individuals involved directly or indirectly in U SPORTS activities pursuant to such policies.

90.30.3.2 No action or legal proceeding may be commenced against U SPORTS in respect of a dispute unless U SPORTS has refused or failed to provide or abide by the appeal process as set out in U SPORTS' policies and all remedies available under these policies has been exhausted.

90.30.3.3 This Policy applies to: (i) all U SPORTS Member Institutions and Institution Representatives; (ii) all U SPORTS student-athletes and all individuals who are formally engaged in U SPORTS activities on behalf of U SPORTS, or who are involved, directly or indirectly, with an alleged violation of any U SPORTS policy, rule, regulation, or agreement; and (iii) Regional Associations and their employees. The Parties shall conduct themselves in a manner consistent with the by-laws, principles, policies, rules, regulations, agreements, and ethical standards set out in U SPORTS' governing documents. Those Parties who fail to meet or breach this standard, through a violation or infraction of any of the above, shall be subject to this Policy and the disciplinary sanctions identified within this Policy. For clarity, U SPORTS policies 90.20 (Harassment and Discrimination) and 90.60 (Code of Conduct) contain provisions limiting the scope and application of those policies – nothing herein shall affect such limitations, and a matter that is not within U SPORTS' jurisdiction pursuant to those policies may not be pursued pursuant to this Policy 90.30.

90.30.3.4 In addition to the sanctions imposed by U SPORTS pursuant to this Policy, additional sanctions for conduct to which this Policy applies may be imposed by Regional Associations or Member Institutions provided the U SPORTS process has first been completed under this Policy and/or provided such sanctions do not conflict with the sanctions applied by U SPORTS under this Policy. U SPORTS shall consult with the

Regional Associations as much as reasonably possible in determining sanctions under or otherwise implementing the provisions of this Policy.

90.30.3.5 Specific to Anti-Doping Rule Violations determined by the Doping Tribunal, and in accordance with the CADP, U SPORTS has the authority to levy additional sanctions above and beyond those determined by the Doping Tribunal. The decision to impose additional sanctions, or not, will be determined pursuant to Policy 90.30 and Policy 90.10.6.3.

90.30.4 COMPLAINTS and SELF-DISCLOSURES

90.30.4.1 Student-athletes shall be required to bring forward Complaints through their Director of Athletics (or equivalent), unless their Member Institution is the subject of the Complaint. If a student-athlete wishes to file a Complaint against their Member Institution, he or she shall contact the Manager of Compliance to initiate the process directly with U SPORTS.

90.30.4.2 Any participants in U SPORTS including but not limited to any U SPORTS employee, Member Institution (including Institution Representatives), Regional Association, or U SPORTS student-athlete who have knowledge of a violation of a U SPORTS by-law, policy, rule, regulation, or agreement to which this Policy 90.30 applies may make a Complaint to U SPORTS as soon as reasonably possible. Once known to the Member Institution, Complaints can and should be initiated through self-disclosure, where a Complainant voluntarily discloses a breach of U SPORTS rules by one or more individuals associated with the Complainant's Institution.

90.30.4.3 Complaints, including self-disclosures, shall be made in writing (or electronically), directed to the Manager of Compliance, and shall:

- a) identify the date or dates of the alleged violation;
- b) identify the place of the alleged violation, if relevant;
- c) provide the name(s) and address of the Complainant and the name of the person to whom all future notices regarding the Complaints and subsequent charges are to be sent;
- d) provide the name of the Member Institution, Regional Association and/or individual, against whom the Complaint is made, and the names of all parties involved;
- e) identify the by-law, principle, policy, rule, regulation, practice, agreement, or ethical standard of U SPORTS alleged to have been breached;
- f) include a precise and concise statement of the facts and circumstances of the alleged violation;
- g) include any substantive evidence of the alleged violation;
- h) identify, from the Complainant's perspective, whether the alleged breach should be treated as a Level 1, 2, or 3 violation, in accordance with this Policy 90.30;
- i) identify whether the violation impacted or potentially impacted the outcome of a competition; i.e. if an eligibility violation did the player play in a game?
- j) identify whether the violation conferred a competitive or material financial advantage;
- k) include any other information which the Complainant considers relevant; and
- l) be signed (physically or electronically) by the Complainant.

90.30.4.4 As a condition of launching a Complaint, the Complainant, Respondent, and all other Affected Parties agree to a complete media ban during the proceedings up to and

including final resolution of the matter. The intent of such a ban is to have the dispute resolved in a procedurally fair manner. The final result of a hearing shall be made public, though names may be removed in order to comply with privacy law. Contravention of this provision by the Complainant, Respondent, or other Affected Party may result in the Manager of Compliance bringing an additional Complaint according to this Policy.

90.30.5 TRIAGING OF COMPLAINTS AND DETERMINATION OF PROCESS

- 90.30.5.1 Upon receipt of a Complaint, the Manager of Compliance shall consider the Complaint, determine (in consultation with the Chief Operating Officer if necessary) the application of this policy to the content of the Complaint, and gather any initial information he or she deems necessary to determine the nature and merit of the Complaint. The Respondent shall comply with and respond to any requests of the Manager of Compliance.
- 90.30.5.2 As soon as possible following the gathering of the necessary initial information, the Manager of Compliance shall determine, and shall notify the Complainant, the Respondent, the Regional Association of each of the Complainant and Respondent, and any other Affected Parties, that: A Complaint was made, and the Manager of Compliance either dismissed the Complaint because this policy does not apply to the content of such Complaint; or
- a) A Complaint was made, and the Manager of Compliance determined that no violation occurred; or
 - b) A Complaint was made, and the Manager of Compliance (in consultation with the Chief Operating Officer) determined that an investigation is necessary in order to determine whether a violation occurred, and if so, the Level of that violation; or
 - c) A Complaint was made, and the Manager of Compliance determined that a violation occurred, and if so, the Level of that violation.
- 90.30.5.3 If an investigation is deemed necessary, the Manager of Compliance may (in consultation with the Chief Operating Officer) investigate the Complaint or appoint an independent investigator to investigate the Complaint.
- 90.30.5.4 Everyone subject to this Policy shall cooperate fully with the investigation, shall allow the investigator to interview such individuals as he or she wishes, and shall provide copies of any documents which the investigator requests. The failure of anyone subject to this Policy to cooperate fully may itself be grounds for a new Complaint.
- 90.30.5.5 The investigator shall conduct the investigation in a timely manner and at the conclusion of the investigation shall provide a written report to the Manager of Compliance.
- 90.30.5.6 If the investigation has revealed additional or different violations by other parties not named in the original Complaint, the Manager of Compliance has the discretion to bring a Complaint against that party.
- 90.30.5.7 If, following review of the investigation report, the Manager of Compliance (in consultation with the Chief Operating Officer) determines that there are no grounds for

a Complaint, then he or she shall immediately advise the Affected Parties. The Manager of Compliance (in consultation with the Chief Operating Officer) may levy costs of any investigation against the Complainant.

90.30.5.8 Notwithstanding the initial classification of a violation or breach as a Level 1, 2, or 3, if further facts are revealed, the Manager of Compliance may escalate the designation of the Complaint to a more serious level.

90.30.6 CRITERIA FOR DETERMINATION OF VIOLATION LEVELS AND PROCESS

90.30.6.1 LEVEL 1 CRITERIA

An inadvertent administrative error or other unintentional error which did not result in the participation of an ineligible student-athlete in competition and which did not directly affect a competitive game outcome or confer a competitive or material financial advantage. Such violations may include, but are not limited to:

- reporting errors relating to academic eligibility or sport eligibility;
- minor infractions relating to recruiting regulations;
- failures to track recruiting visits in the sport of football on U SPORTS Central;
- minimal overpayments of financial award;
- minor Code of Conduct violations;
- any violation of a U SPORTS championship hosting or championship participation agreement or standard which incurs a risk of nominal harm; or
- other non-substantive violations of U SPORTS by-laws, policies, rules, regulations, or agreements, at the reasonable discretion of the Manager of Compliance.

90.30.6.2 LEVEL 1 PROCESS

90.30.6.2.1 All initial Complaints are reviewed by the Manager of Compliance as outlined above in Section 90.30.5.

90.30.6.2.2 In the event the Manager of Compliance determines that a Level 1 violation occurred, the Manager of Compliance shall make a determination of the appropriate sanction and inform all Affected Parties of the decision in writing.

90.30.6.2.3 The Manager of Compliance's decision is final and binding with no appeal.

90.30.6.2.4 In the event a Panel or Tribunal has considered a violation as a potential Level 2 or Level 3 violation, respectively, and reduced it to a Level 1, the Manager of Compliance shall deal with the matter as a Level 1 and may not subsequently increase it to a Level 2 or Level 3.

90.30.6.3 LEVEL 2 CRITERIA

90.30.6.3.1 An inadvertent error which did result in the participation of an ineligible student-athlete in competition, or which did directly affect a competitive game outcome, or

which did confer a competitive or material financial advantage, or which did cause reputational harm to U SPORTS, including but not limited to:

- improper administrative decisions resulting in a material violation of a U SPORTS policy;
- any inadvertent violation that resulted in the participation of an ineligible student-athlete in competition;
- any inadvertent violation of a U SPORTS policy that otherwise directly affected a competitive game outcome or conferred a competitive advantage;
- any inadvertent misapplication of recruiting regulations or tracking errors associated with recruiting regulations that result in a material violation of the recruiting regulations;
- any inadvertent misapplication of Athletic Financial Awards regulations that result in a material overpayment of an Award or material impermissible benefits to a student-athlete or team;
- three or more Level 1 violations by the same Member Institution within 12 months;

Or:

- any personal conduct violation subject to Policy 90.20 is automatically a minimum Level 2 violation;
- any violation of a U SPORTS championship hosting or championship participation agreement or standard which incurs a risk of material harm; or
- other substantive violations of U SPORTS by-laws, policies, rules, regulations, or agreements, at the reasonable discretion of the Manager of Compliance.

90.30.6.4 LEVEL 2 PROCESS

90.30.6.4.1 All initial Complaints are reviewed by the Manager of Compliance as outlined above in Section 90.30.5.

90.30.6.4.2 In the event the Manager of Compliance determines that a Level 2 violation occurred, the Manager of Compliance shall afford the Respondent the opportunity to submit a written statement. This submission, if provided by the Respondent, will supplement the Record.

90.30.6.4.3 In the event the Manager of Compliance determines that a Level 2 violation occurred, the Manager of Compliance shall also ask each affected U SPORTS member of the Regional Association of the Respondent, via its Director of Athletics (or equivalent), as well as U SPORTS and the Regional Association, via an appropriate staff person, to submit any claim for costs that have occurred as a result of the alleged Level 2 violation. In those instances where the ineligible student-athlete participated in a U SPORTS Championship or qualifying event involving Member Institutions from more than one Regional Association, the participating teams / institutions of the event(s), including those who may have been displaced from participating in the event, will also be asked to submit any claim for costs. These submissions will supplement the Record.

90.30.6.4.4 The Record associated with a Level 2 violation will be reviewed by a Panel of three individuals, which will be appointed by the Manager of Compliance and shall consist of:

- the Chief Operating Officer of U SPORTS, or a U SPORTS staff member designated by the Chief Operating Officer;
- one representative from the Regional Association (Member Institution representative or Regional Association staff member) to which the Respondent is a member, as appointed by the Regional Association Executive Director (or equivalent); and,
- one of the following:
 - in the event the Level 2 violation relates to an eligibility or recruiting-related matter, one Eligibility Review Officer from beyond the Regional Association of the Respondent;
 - in the event the Level 2 violation relates to an Athletic Financial Awards-related matter, one member of the Athletic Financial Awards Committee from beyond the Regional Association of the Respondent;
 - in the event the Level 2 violation relates to both an eligibility or recruiting-related matter and an Athletic Financial Awards-related matter, either an Eligibility Review Officer from beyond the Regional Association of the Respondent or one member of the Athletic Financial Awards Committee from beyond the Regional Association of the Respondent;
 - in the event the Level 2 violation relates to something other than eligibility, recruiting or Athletic Financial Awards, one Director of Athletics (or equivalent) from beyond the Regional Association of the Respondent;
- the Manager of Compliance, or a designate of the Manager of Compliance, will serve as a non-voting resource to the panel.
- the Manager of Compliance will, if the Level 2 violation could result in the forfeiture of Regional Association games, invite a member of the Regional Association office staff to serve as a non-voting resource to the Panel.

90.30.6.4.5 The Panel shall convene by way of conference call as soon as reasonably possible following the distribution of the Record and shall either:

- a) confirm that a violation occurred and that it constitutes a Level 2 violation, in which case the remainder of this Policy 90.30.6.4 shall apply to the violation;
- b) confirm that a violation occurred and downgrade it to a Level 1, in which case Policy 90.30.6.2 shall apply to the violation and the Affected Parties shall be notified accordingly;
- c) confirm that a violation occurred and upgrade it to a Level 3, in which case Policy 90.30.6.6 shall apply to the violation and the Affected Parties shall be notified accordingly; or
- d) reject the Manager of Compliance's determination that a violation occurred, in which case the Affected Parties shall be notified accordingly.

90.30.6.4.6 In the event the Panel confirms that a violation occurred and that it constitutes a Level 2 violation, the Panel shall determine the sanctions to be imposed for that violation and shall distribute to the Affected Parties a written decision, with reasons, as soon as reasonably possible following the Panel's determination.

90.30.6.4.7 U SPORTS Policy 90.40 stipulates the grounds of and processes relating to a potential appeal of the findings of the Panel.

90.30.6.4.8 In the event a Tribunal has considered a violation as a potential Level 3 violation and reduced it to a Level 2, the Panel shall hear the matter as a Level 2 and may not subsequently increase it to a Level 3 or reduce it to a Level 1.

90.30.6.5 LEVEL 3 CRITERIA

90.30.6.5.1 A serious violation of any U SPORTS Policy or rule or regulation that is not categorized as a Level 1 or Level 2. Factors that may attract a Level 3 designation include, but are not limited to:

- a violation with serious financial implications involved, as determined by the Manager of Compliance in consultation with the Chief Operating Officer;
- a violation involving multiple participants;
- a recurring pattern of similar violations that illustrates a disregard for U SPORTS policies and rules;
- a persistent failure to reasonably educate athletic department staff or coaches on U SPORTS policies, rules, and regulations;
- a deliberate attempt to circumvent, misapply, or disregard U SPORTS policies and rules;
- a violation that illustrates gross negligence in processes or reporting;
- failure to report knowledge and/or information of U SPORTS policy and rule violations under an individual's responsibility;
- a violation that has the potential to cause significant harm to the brand and reputation of U SPORTS;
- a violation that undermines the integrity of U SPORTS or any sport or program under its control;
- a violation that impacts the safety and well-being of student-athletes; and
- the reoccurrence of a Level 2 violation by the same Member Institution within a 24-month period; for clarity, the reoccurrence of a Level 2 violation within 24 months shall only constitute a Level 3 violation if both Level 2 violations did not result from multiple Level 1 violations being escalated to a Level 2;

90.30.6.6 LEVEL 3 PROCESS

90.30.6.6.1 All initial Complaints are reviewed by the Manager of Compliance as outlined above in Section 90.30.5.

90.30.6.6.2 In the event the Manager of Compliance determines that a Level 3 violation occurred, the Manager of Compliance shall afford the Respondent the opportunity to submit a written statement. This submission, if provided by the Respondent, will supplement the Record.

90.30.6.6.3 In the event the Manager of Compliance determines that a Level 3 violation occurred, the Manager of Compliance shall ask each affected U SPORTS member of the Regional Association of the Respondent, via its Director of Athletics (or equivalent),

as well as U SPORTS and the Regional Association, via an appropriate staff person, to submit any claim for costs that have occurred as a result of the alleged Level 3 violation. In those instances where the ineligible student-athlete participated in a U SPORTS Championship or qualifying event involving Member Institutions from more than one Regional Association, the participating teams / institutions of the event(s), including those who may have been displaced from participating in the event, will also be asked to submit any claim for costs. These submissions will supplement the Record.

90.30.6.6.4

The Record associated with a Level 3 violation will be reviewed by a Tribunal of three (3) individuals, which will be appointed by the Chief Operating Officer and shall consist of:

- one (1) member of the U SPORTS Board;
 - one (1) representative from the Regional Association (Member Institution representative or Regional Association staff member), to which the Respondent is a member, as appointed by the Regional Association Executive Director (or equivalent); and
 - one (1) of the following:
 - in the event the Level 3 violation relates to an eligibility or recruiting-related matter, one Eligibility Review Officer from beyond the Regional Association of the Respondent;
 - in the event the Level 3 violation relates to an Athletic Financial Awards-related matter, one member of the Athletic Financial Awards Committee from beyond the Regional Association of the Respondent;
 - in the event the Level 3 violation relates to both an eligibility or recruiting-related matter and an Athletic Financial Awards-related matter, either one Eligibility Review Officer from beyond the Regional Association of the Respondent or one member of Athletic Financial Awards Committee from beyond the Regional Association of the Respondent;
 - in the event the Level 3 violation relates to something other than eligibility, recruiting or Athletic Financial Awards, one Director of Athletics (or equivalent) from beyond the Regional Association of the Respondent.
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- the Manager of Compliance, or a designate of the Manager of Compliance, will serve as a non-voting resource to the Tribunal.
 - up to two (2) external experts, unaffiliated with Member Institutions, may be designated by the Chair to serve as a non-voting resource to the Tribunal.
 - the Manager of Compliance will, if the Level 3 violation could result in the forfeiture of Regional Association games, invite a member of the Regional Office staff to serve as a non-voting resource to the panel.
 - employees of the Complainant or the Respondent may not be members of the Tribunal;
 - no one involved in the investigation of the alleged violation, if any, may be a member of the Tribunal.

90.30.6.6.5

Once the Tribunal has been appointed, the Chief Operating Officer shall select from among its members a Chair of the Tribunal. The Chair shall be a voting member of

the Tribunal.

- 90.30.6.6.6 The Tribunal determines the format for the Level 3 hearing at its sole discretion. The Tribunal may decide to conduct the Level 3 hearing by way of an oral hearing in person, an oral hearing by telephone/online communication, a hearing based on written submissions, or a combination of these methods.
- 90.30.6.6.7 The Tribunal shall govern the Level 3 hearing in an informal manner, and may impose such procedures as it deems appropriate, provided such procedures do not conflict with the provisions of this Policy 90.30 or with the rules of natural justice, and provided:
- a) The Tribunal will set timelines for all aspects of the process leading up to and during the hearing, will communicate those timelines to the Affected Parties as far in advance as reasonably possible, and will ensure compliance with those timelines;
 - b) Copies of any written documents to be considered by the Tribunal will be provided to all Affected Parties in advance of the hearing in accordance with the timelines set out by the Tribunal;
 - c) In the event of an oral hearing, all Affected Parties may be accompanied by legal counsel, at such party's own cost and expense, provided such party give the Tribunal advance written notice that it will be accompanied by legal counsel, and of the identity of that counsel;
 - d) In fulfilling its duties, the Tribunal may obtain independent advice, and may have legal counsel participate in an oral hearing (if applicable) as a resource, on a non-voting basis.
 - e) The Tribunal may request that the investigator, if applicable, or any other individual participate and give evidence at an oral hearing (if applicable).
 - f) U SPORTS staff shall not be a voting member of the Tribunal;
 - g) Quorum requires the participation of all three members of the Tribunal;
 - h) Decisions shall be by majority vote where the Chairperson carries a vote;
 - i) The hearing shall be held in private;
 - j) The Tribunal shall consider the Record and may consider any other evidence submitted by the Affected Parties in accordance with the process set out by the Tribunal;
 - k) The Tribunal may, at its discretion, allow for the Affected Parties to call witnesses. If the Tribunal elects to allow the Affected Parties to call witnesses, it shall also allow for the other Affected Parties to cross-examine those witnesses.
 - l) The Tribunal is not bound to apply strict rules of evidence; evidence may be received in written or oral form, on the condition that any evidence considered by the Tribunal shall be shared with all Affected Parties, and an opportunity to rebut such evidence shall be provided;
 - m) The Tribunal may request that any witness, including the Complainant, be present at the hearing or submit written evidence in advance of the hearing;
 - n) The Respondent may waive the right to a hearing provided it does so in a written statement that is signed by all individuals or entities named in the Charge. In such a case, if the Tribunal determines that the case against the Respondent has been proved on the basis of the materials submitted, it may rule on the Complaint without a hearing. Otherwise, or in its discretion, the Tribunal shall proceed to hold a hearing notwithstanding the Respondent's waiver of the right to a hearing.

- 90.30.6.6.8 At its discretion, the Tribunal may determine that the circumstances warrant a preliminary conference among all or some of the Affected Parties (provided both the Complainant and Respondent are included). The parties shall be given notice of the time and place of the preliminary conference as far in advance as reasonably possible, and the Tribunal may delegate to one of its members the authority to deal with the matters of the preliminary conference.
- 90.30.6.6.9 Regardless of the procedural decisions made in accordance with the provisions above, the Tribunal shall either:
- a) confirm in writing that a violation occurred and that it constitutes a Level 3 violation, in which case the remainder of this Policy 90.30.6.6 shall apply to the violation;
 - b) confirm in writing that a violation occurred and downgrade it to a Level 1 or Level 2, in which case Policy 90.30.6.2 or Policy 90.30.6.4 (as applicable) shall apply to the violation and the Affected Parties shall be notified accordingly; or
 - c) reject in writing the Manager of Compliance's determination that a violation occurred, in which case the Affected Parties shall be notified accordingly.
- 90.30.6.6.10 In the event the Tribunal confirms that a violation occurred and that it constitutes a Level 3 violation, the Tribunal shall determine the sanctions to be imposed for that violation and shall distribute to the Affected Parties a written decision, with reasons, as soon as reasonably possible following the Tribunal's determination.
- 90.30.6.6.11 U SPORTS Policy 90.40 stipulates the grounds of and processes relating to a potential appeal of the findings of the Panel.
- 90.30.6.6.12 In the event a Panel has considered a violation as a potential Level 2 violation and increased it to a Level 3, the Tribunal shall hear the matter as a Level 3 and may not subsequently reduce it to a Level 2 or a Level 1.
- 90.30.7 LEVEL 1 SANCTIONS
- 90.30.7.1 In the event that the Respondent is or includes a Member Institution, the penalties that shall be imposed on that Member Institution for a Level 1 violation are:
- a) probation for a period not exceeding 365 days from the date of violation, during which time a member may continue to participate in a particular sport or sports under any limitations that may be determined by the Manager of Compliance (the exact duration of such probation to be determined by the Manager of Compliance acting reasonably in the circumstances);
 - b) a fine payable to U SPORTS of at least \$500.00 and not more than \$2,000.00;
 - c) the Member must undertake any educational, procedural, structural or other changes requested by U SPORTS in order to minimize the chance of future violations, such changes to be overseen by a party to be selected by U SPORTS, and must provide a reporting thereof, all at the sole cost and expense of the Member; and,
 - d) payment of the greater of \$500 or the costs of the investigation and disciplinary process (unless paid by another Respondent to the same Complaint, as determined by the Manager of Compliance at its discretion).

- 90.30.7.2 In the event that a Member Institution commits two Level 1 violations within 12 months, or that one Member Institution team in a given sport commits two Level 1 violations within 24 months, the Manager of Compliance (in consultation with the Chief Operating Officer) may require the Member Institution to undertake any educational, procedural, structural or other changes requested by U SPORTS in order to minimize the chance of future violations, such changes to be overseen by a party to be selected by U SPORTS, and must provide a reporting thereof, at the Member Institution's sole cost and expense.
- 90.30.7.3 In the event that the Respondent is or includes a Regional Association, the penalties that shall be imposed upon that Regional Association for a Level 1 violation are such sanctions as may be determined by the Manager of Compliance (in consultation with the Chief Operating Officer), acting reasonably;
- 90.30.7.4 In the event that the Respondent is or includes a student-athlete, the penalties that may be imposed upon that student-athlete for a Level 1 violation are:
- a) probation for a period not exceeding one (1) year from the date of violation during which time the student-athlete may continue to participate in a particular sport or sports under limitations determined by the Manager of Compliance (the exact duration and limitations of such probation to be determined by the Manager of Compliance acting reasonably in the circumstances);
 - b) the student-athlete shall undergo any required education as deemed necessary by U SPORTS to prevent a repeat violation; and
 - c) repayment to the Member Institution of any overpayment of an Athletic Financial Award, if applicable.
- 90.30.7.5 In the event that the Respondent is or includes an individual who is not a student-athlete, the penalties that may be imposed upon that individual for a Level 1 violation are:
- a) probation for a period not exceeding one (1) year from the date of violation during which time the individual may continue to participate in a particular sport or sports under limitations determined by the Manager of Compliance (the exact duration and limitations of such probation to be determined by the Manager of Compliance acting reasonably in the circumstances);
 - b) the individual shall undergo any required education as deemed necessary by U SPORTS to prevent a repeat violation; and,
 - c) payment of the costs of the investigation and disciplinary process.

90.30.8 LEVEL 2 SANCTIONS

- 90.30.8.1 In the event that the Respondent is or includes a Member Institution, the penalties that shall be imposed upon that Member Institution for a Level 2 violation are:
- a) probation for a period of up to two (2) years from the date of violation, during which time the Member may continue to participate in a particular sport or sports but shall be required to provide regular reports on the enhanced internal

processes or procedures implemented to prevent future violations, and during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;

- b) a fine payable to the U SPORTS of at least \$2,000.00 and not more than \$12,500.00;
- c) the Member Institution shall undertake any educational, procedural, structural or other changes requested by U SPORTS in order to minimize the chance of future violations, such changes to be overseen by a party to be selected by U SPORTS, and must provide a reporting thereof, all at the sole cost and expense of the Member;
- d) payment of the greater of \$500 or the costs of the investigation and disciplinary process (unless paid by another Respondent to the same Complaint, as determined by the Panel at its discretion);
- e) in the case of an eligibility violation relating to the use of an ineligible student-athlete, forfeiture of all competitions in which the ineligible student-athlete participated and a revision to the standings;
- f) in the case of an eligibility violation, the rescission of any U SPORTS team records or titles awarded to the team; and
- g) formal letters of apology to any party affected by the violation.

90.30.8.2 In the case of an eligibility violation relating to the use of an ineligible student-athlete whose ineligibility is not in dispute, the Manager of Compliance (in consultation with the Chief Operating Officer) may immediately confirm with the Regional Association the forfeiture of all competitions in which the ineligible student-athlete participated and the need to revise the standings, even in the event the Panel has not yet met and the discretionary sanctions have not yet been determined or communicated. In such circumstances, the forfeiture of such competitions shall be reiterated in the written decision of the Panel.

90.30.8.3 In the event that the Respondent is or includes a Member Institution, the penalties that may be imposed upon that Member Institution for a Level 2 violation are:

- a) a suspension of the Member Institution from participating in or hosting any U SPORTS championships for a period of up to two (2) years from the date of violation;
- b) a reduction of the team complement of Athletic Financial Awards;
- c) a reduction of the Member Institution complement of Athletic Financial Awards;
- d) a reduction of the number of allowable Official Recruiting Visits;
- e) a reduction of the maximum allowable spending per recruit;
- f) a prohibition on signing Letters of Intent with recruits for a period of time determined by the Panel;
- g) reimbursement of claims for costs submitted related to the Level 2 violation in accordance with this Policy 90.30; and,
- h) other penalties as may be considered appropriate for the violation.

90.30.8.4 In the event that the Respondent is or includes a Regional Association, the penalties that shall be imposed upon that Regional Association for a Level 2 violation are such sanctions as may be determined by the Panel, acting reasonably.

90.30.8.5 In the event that the Respondent is or includes a student-athlete, the penalties that may be imposed upon that student-athlete for a Level 2 violation are:

- a) probation for a period of not less than one (1) year and not exceeding two (2) years from the date of violation, during which time the student-athlete may continue to participate in a particular sport or sports but during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;
- b) the student-athlete shall undergo any required education as deemed necessary by the Panel to prevent a repeat violation;
- c) repayment to the Member Institution of any overpayment of an Athletic Financial Award, if applicable;
- d) in the case of an eligibility violation relating to the use of an ineligible student-athlete, forfeiture of all competitions in which the ineligible student-athlete participated and a revision to the standings;
- e) in the case of an eligibility violation, the rescission of any U SPORTS individual records or titles awarded to the student-athlete;
- f) formal letters of apology to any party affected by the violation;
- g) a suspension of the student-athlete from participating in any U SPORTS events or activities, including but not limited to competition or eligibility for U SPORTS awards or distinctions, for a period of up to one (1) year from the date of violation;
- h) payment of the costs of the investigation and disciplinary process;
- i) reprimand or warning; and,
- j) other penalties as may be considered appropriate for the violation.

90.30.8.6 In the event that the Respondent is or includes an individual who is not a student-athlete, the penalties that may be imposed upon that individual for a Level 2 violation are:

- a) probation for a period of not less than one (1) year and not exceeding two (2) years from the date of violation, during which time the individual may continue to participate in a particular sport or sports, but during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;
- b) the individual shall undergo any required education as deemed necessary by the Panel to prevent a repeat violation; and,
- c) formal letters of apology to any party affected by the violation;
- d) a minimum fine payable to U SPORTS of at least \$1,000.00 and not more than \$5,000.00;
- e) a suspension of the individual from participating in any U SPORTS events or activities, including but not limited to competition or eligibility for U SPORTS

awards or distinctions, for a period of up to one (1) year from the date of violation;

- f) a restriction on contact with a specified individual or group of individuals;
- g) payment of the costs of the investigation and disciplinary process; and,
- h) any other penalties as may be considered appropriate for the violation.

90.30.9 LEVEL 3 SANCTIONS

90.30.9.1 In the event that the Respondent is or includes a Member Institution, the penalties that shall be imposed upon that Member Institution for a Level 3 violation:

- a) probation for a period between two (2) and five (5) years from the date of violation, during which time a Member may continue to participate in a particular sport or sports but shall be required to provide regular reports on the enhanced internal processes or procedures implemented to prevent future violations, and during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;
- b) a fine payable to U SPORTS in the amount of at least \$12,500.00 and not more than \$100,000.00;
- c) the Member Institution shall undertake any educational, procedural, structural or other changes requested by U SPORTS in order to minimize the chance of future violations, such changes to be overseen by a party to be selected by U SPORTS, and must provide a reporting thereof, all at the sole cost and expense of the Member;
- d) payment of the greater of \$500 or the costs of the investigation and disciplinary process (unless paid by another Respondent to the same Complaint, as determined by the Manager of Compliance at its discretion);
- e) in the case of an eligibility violation, forfeiture of all competitions in which the ineligible student-athlete participated and a revision to the standings;
- f) in the case of an eligibility violation, the rescission of any U SPORTS team records or titles awarded to the team; and
- g) formal letters of apology to any party affected by the violation.

90.30.9.2 In the case of an eligibility violation relating to the use of an ineligible student-athlete whose ineligibility is not in dispute, the Manager of Compliance (in consultation with the Chief Operating Officer) may immediately confirm with the Regional Association the forfeiture of all competitions in which the ineligible student-athlete participated and the need to revise the standings, even in the event the Tribunal has not yet met and the discretionary sanctions have not yet been determined or communicated. In such circumstances, the forfeiture of such competitions shall be reiterated in the written decision of the Tribunal.

90.30.9.3 In the event that the Respondent is or includes a Member Institution, the penalties that may be imposed upon that Member Institution for a Level 3 violation are:

- a) a suspension of the Member Institution from participating in or hosting any U SPORTS championships for a period of up to five (5) years;

- b) a reduction of the team complement of Athletic Financial Awards;
- c) a reduction of the Member Institution complement of Athletic Financial Awards;
- d) a reduction of the number of allowable Official Recruiting Visits;
- e) a reduction of the maximum allowable spending per recruit;
- f) a prohibition on signing Letters of Intent with recruits for a period of time determined by the Panel;
- g) suspension of a member from participating in all competition, or from competition in a particular sport or sports, for a period determined by the Tribunal, at its discretion;
- h) forfeiture of all competition played in the sport in which the violation occurred, for the season(s) in which the violation occurred;
- i) forfeiture of all competition played by the member in all sports occurring during the season(s) in which the violation occurred;
- j) ineligibility for national competition, the scope and details of which ineligibility shall be determined by the Tribunal in its discretion;
- k) ineligibility for appearance on any television programs subject to U SPORTS contract;
- l) recommendation to the U SPORTS Board of Directors for the suspension/expulsion of the Member Institution from U SPORTS pursuant to by-law 2.5.3;
- m) requirement that the Member Institution make restitution for any damages caused;
- n) requirement for written undertakings;
- o) reimbursement of claims for costs submitted related to the Level 3 violation in accordance with this Policy 90.30;
- p) additional penalties, sanctions and fees to be determined as may be considered appropriate by the Tribunal for the offense.

90.30.9.4 In the event that the Respondent is or includes a Regional Association, the penalties that shall be imposed upon that Regional Association for a Level 2 violation are such sanctions as may be determined by the Panel, acting reasonably.

90.30.9.5 In the event that the Respondent is or includes a student-athlete, the penalties that may be imposed upon that student-athlete for a Level 3 violation are:

- a) probation for a period of not less than two (2) years and not exceeding five (5) years from the date of violation, during which time the student-athlete may continue to participate in a particular sport or sports, but during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;
- b) the student-athlete shall undergo any required education as deemed necessary by the Tribunal to prevent a repeat violation;
- c) repayment to the Member Institution of any overpayment of an Athletic Financial Award, if applicable;

- d) in the case of an eligibility violation relating to the use of an ineligible student-athlete, forfeiture of all competitions in which the ineligible student-athlete participated and a revision to the standings;
- e) in the case of an eligibility violation, the rescission of any U SPORTS individual records or titles awarded to the student-athlete;
- f) formal letters of apology to any party affected by the violation;
- g) suspension of the student-athlete from participating in any U SPORTS events or activities, including but not limited to competition or eligibility for U SPORTS awards or distinctions, for a period of not less than one (1) year from the date of violation;
- h) payment of the costs of the investigation and disciplinary process;
- i) reprimand or warning;
- j) requirement that the individual make restitution for any damages caused by the violation; and,
- k) other penalties as may be considered appropriate for the violation.

90.30.9.6

In the event that the Respondent is or includes an individual who is not a student-athlete, the penalties that may be imposed upon that individual for a Level 3 violation are:

- a) probation for a period of not less than two (2) years and not exceeding five (5) years from the date of violation, but during which time any additional violation shall be considered by the Manager of Compliance, Panel, or Tribunal in determining the discretionary sanctions for such additional violation;
- b) the individual shall undergo any required education as deemed necessary by the Tribunal to prevent a repeat violation;
- c) a fine payable to U SPORTS of at least \$5,000.00 and not less than \$75,000.00; and,
- d) formal letters of apology to any party affected by the violation;
- e) a suspension of the individual from participating in any U SPORTS events or activities, including but not limited to competition or eligibility for U SPORTS awards or distinctions, for a period of not less than one (1) year from the date of violation;
- f) payment of the costs of the investigation and disciplinary process;
- g) a restriction on contact with a specified individual or group of individuals;
- h) reprimand or warning;
- i) requirement that the individual make restitution for any damages caused by the violation;
- j) rescission of any U SPORTS record or title awarded to the individual; and,
- k) other penalties as may be considered appropriate for the offense.

90.30.9.7

In determining penalties, a Panel or Tribunal may have regard to the following aggravating or mitigating circumstances, where applicable:

- a) self-disclosure, or lack thereof, of the violation;
- b) the nature and severity of the violation;
- c) the extent to which others have been harmed by the violation;
- d) the cooperation of the Respondent in the proceedings under this Policy;

- e) the degree to which the violation was pre-meditated;
- f) the degree to which the violation involved the cooperation of an employee of the Member Institution, where the Respondent is an institution;
- g) the position and authority of the involved employee, where the Respondent is an institution;
- h) the age, maturity and experience of the Respondent, where the Respondent is an individual;
- i) the Respondent's acknowledgment of responsibility for the violation, where the Respondent is an individual;
- j) the Respondent's remorse and post-violation conduct, where the Respondent is an individual;
- k) prior findings and circumstances of similar or related violations of the Respondent;
- l) the reputational harm suffered by U SPORTS as a result of the violation;
- m) the financial harm suffered or risk incurred by U SPORTS or its corporate partners resulting from a violation;
- n) the violation of a relationship of trust between the Respondent and an affected party(ies), where the Respondent is an individual;
- o) the existence of collusion to gain an advantage;