ASSOCIATED PROCEDURES
Procedures for the Response to an Allegation of a Student-Athlete Code of Conduct Violation
Procedures for Determining Potential Sanctions for Confirmed Violations of the Student-Athlete Code of Conduct
Procedures for Appealing a Sanction under the Student-Athlete Code of Conduct

PURPOSE
1.00 The purpose of this document is to set out:
(a) the university’s expectations for the conduct of Student-Athletes;
(b) consistent processes for responding to an allegation that a Student-Athlete violated this Code of Conduct; and
(c) the rights and responsibilities of Student-Athletes involved in conduct proceedings under this Code of Conduct.

DEFINITIONS
For the purpose of this Code of Conduct:

2.00 Student-Athlete means a currently registered student who meets all university and/or league eligibility requirements and has been selected to be a member of a University of Victoria varsity team.

3.00 Support Person means an individual who provides support or advice to a Student-Athlete during a proceeding under this Code of Conduct. The Support Person does not normally advocate on the Student-Athlete’s behalf.

4.00 Athletic Activity includes any athletic activity or event that is directly related to or arising out of the operations of a Vikes varsity team at any location or any activity where a Student-Athlete or varsity team is representing the university.
**SCOPE**

5.00 The Student-Athlete Code of Conduct (hereinafter referred to as the "Code of Conduct") applies to the conduct of Student-Athletes when representing the University of Victoria at competitions or during other team functions, practices or events regardless of location. In all other instances on university property or in connection with a university activity, a student's conduct is subject to the university Resolution of Non-Academic Misconduct policy (AC1300).

5.01 This Code of Conduct does not apply to Student-Athlete’s academic integrity matters or academic appeals.

5.02 In cases where the application of this Code of Conduct conflicts with another university policy, the Manager of Athletics (or designate), in consultation with the appropriate Administrative Authority, will determine an appropriate course of action consistent with the pertinent policies.

6.00 This Code of Conduct sets out the minimum expectations and responsibilities for Student-Athletes on University of Victoria varsity teams. Individual teams may develop additional conduct expectations specific to their teams. Such expectations must not contradict this Code of Conduct or any applicable university policies.

7.00 The university may take measures outside of those outlined in this Code of Conduct or other policies in circumstances where it is reasonably believed that immediate action is required to protect the health or safety of any individual or to protect university property.

8.00 The university may undertake proceedings under this Code of Conduct or another university policy where the matter is also being investigated or reviewed by a law enforcement agency or authority external to the university. If the university’s investigation determines that a violation of this Code of Conduct occurred, the university may apply sanctions against a Student-Athlete, regardless of any other discipline applied externally.

8.01 No aspect of this Code of Conduct shall prevent the university from referring a matter to an appropriate law enforcement agency as required.

9.00 This Code of Conduct shall not be interpreted in a manner that:

(a) limits the President’s authority to deal summarily with any matter of student discipline in accordance with the *University Act*; or

(b) prevents any individual from proceeding with criminal or civil actions independent of any action(s) taken by the university.

**Student-Athlete Expectations and Responsibilities**

10.00 The university is committed to promoting a safe, respectful and supportive environment. Vikes Athletics has a history of excellence and Student-Athletes are recognized as an integral part of the university community. Student-Athletes are expected to conduct themselves in a manner consistent with the expectations for all students. Student-Athletes are ambassadors for their team, their sport and the University of Victoria. As such, additional expectations are placed upon their conduct.

11.00 Student-Athletes are responsible for:
(a) displaying exemplary conduct and demonstrating the pillars of good character - integrity, honesty, and respect for others in their academic, athletic, and social activities;
(b) assuming responsibility for their actions, ensuring lawful personal conduct, and respecting the rights, privileges and safety of others;
(c) understanding and abiding by the eligibility rules of Canadian Interuniversity Sport (CIS), Canada West University Athletic Association (CWUAA), National Association of Intercollegiate Athletics (NAIA) and the UVic Department of Athletics and Recreation;
(d) abiding by all applicable university policies;
(e) identifying and reviewing, with their coach or university staff, any issue of academic/eligibility concern as soon as possible;
(f) ensuring that their coach is notified if a Student-Athlete intends to drop an academic course;
(g) discussing their competitive schedule with academic instructors to ensure provisions are in place for meeting any missed academic requirements;
(h) treating all University Community Members with dignity and respect;
(i) refraining from hazing or the physical, emotional or verbal harassment of any person;
(j) refraining from the consumption of alcohol or any banned substances at practices, competitions, and when being transported to and from team-based events (including use in hotel rooms and airports);
(k) avoiding the use of any performance enhancing drug and knowing and respecting CIS/NSO/CCES drug policies and participating in the annual drug education program;
(m) consulting a physician or other qualified medical practitioner if there is uncertainty about the use of prescriptions or over-the-counter medications;
(n) adhering to team rules and guidelines; and
(o) adhering to the UVic Residence contract and Residence Community Standards when living in or visiting residence.

12.00 As a condition of being on a UVic varsity team, Student-Athletes are required to review and sign a statement annually acknowledging that they have read, understood and agree to abide by this Code of Conduct.

13.00 The university is committed to providing clear and transparent processes in all proceedings involving allegations under this Code of Conduct and is committed to implementing the principles of natural justice and procedural fairness in the resolution of such allegations.

14.00 Allegations of Code of Conduct violations will be reviewed and where appropriate investigated by the Manager of Athletics (or designate) to determine whether or not this Code of Conduct has been violated. Where required, the Manager of Athletics will refer substantive Student-Athlete Conduct matters to the university’s Judicial Affairs Office for investigation and resolution under the university Resolution of Non-Academic Misconduct Allegations policy (AC1300).

14.01 The Manager Athletics (or designate) is responsible for:
   I. providing guidance for informally resolving violations of this Code of Conduct whenever possible;
   II. receiving and conducting preliminary reviews of allegations of Code of Conduct violations;
III. investigating allegations under this Code of Conduct where warranted or formally referring allegations of Student-Athlete misconduct to the university Judicial Affairs Office where necessary; and

IV. determining or recommending a reasonable course of action upon the completion of an investigation.

14.02 The review and investigation of allegations under this Code of Conduct shall be in accordance with the Procedures for the Response to an Allegation of Student-Athlete Misconduct.

Determinations and Imposition of Sanctions

15.00 After investigation, the university may impose sanctions where a Student-Athlete is found to have violated this Code of Conduct or another university policy. Sanctions may be applied independently or in combination for any violation of this Code of Conduct.

15.01 Sanctions for confirmed Code of Conduct violations and factors in determining appropriate sanctions are established in the Procedures for Determining Potential Sanctions for Confirmed Violations of the Student-Athlete Code of Conduct.

Notice of Decision

16.00 Where a decision on an allegation of a violation of this Code of Conduct has been made, the Student-Athlete will be provided with written notice of the rationale for any decision made and of any sanction(s) to be applied.

17.00 A Student-Athlete may appeal a decision or action taken under this Code of Conduct provided that sufficient grounds exist in accordance with the Procedures for Appealing a Decision Made under the Student-Athlete Code of Conduct.

Confidentiality and Management of Records

18.00 The protection of confidentiality is essential to the functioning of this Code of Conduct and its associated procedures. Individuals participating in proceedings under this code are expected to maintain confidentiality. Allegations under this Code of Conduct will be treated confidentially, subject to the Student-Athlete's ability to seek advice and the university's ability to conduct an investigation, to properly respond to an allegation, or as required by law.

RELEVANT LEGISLATION

University Act
Freedom of Information and Protection of Privacy Act

ASSOCIATED PROCEDURES AND APPENDICES

Procedures for the Response to an Allegation of a Student-Athlete Code of Conduct Violation
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RELATED UNIVERSITY POLICIES AND DOCUMENTS

University of Victoria Calendar
Resolution of Non-Academic Misconduct Allegations policy (AC1300)
Human Rights, Equity and Fairness policy (GV0200)
Discrimination and Harassment policy (GV0205)
Responsible Use of Information Technology Policy (IM7200)
Protection of Privacy Policy (GV0235)
Residence Contract and Community Living Standards
PROCEDURES FOR THE RESPONSE TO AN ALLEGATION OF A STUDENT-ATHLETE CODE OF CONDUCT VIOLATION

Procedural Authority: Associate Vice-President Student Affairs
Effective Date: TBD
Parent Policy: Student-Athlete Code of Conduct

PURPOSE

1.00 The purpose of this document is to set out procedures for the review, investigation and resolution of an allegation of a violation of the Student-Athlete Code of Conduct.

PROCEDURES

Submission of an Allegation

2.00 Wherever possible and appropriate, members of the University Community are encouraged to resolve incidents or disputes under the Student-Athlete Code of Conduct informally by way of apology, conciliation, education, consultation or mediation.

Where informal resolution is not possible or appropriate, an individual who believes that a Student-Athlete has violated the Student-Athlete Code of Conduct (hereinafter ‘Code of Conduct’) may submit an allegation to the Manager of Athletics in the Athletics and Recreation Department.

2.01 Allegations of a Code of Conduct violation shall include:
(a) a description and relevant information regarding the alleged incident including the time(s), date(s) and location(s) of the incident(s) and potential witnesses; and
(b) the complainant’s name and signature.

2.02 The Manager of Athletics may at any time refer allegations of a substantive violation of the Code of Conduct to the Judicial Affairs Office for investigation and resolution. The Student-Athlete will be notified in writing when an allegation has been referred to the Judicial Affairs Office for review under the university Resolution of Non-Academic Misconduct Allegations policy (AC1300).

Preliminary Review of an Allegation

3.00 When an allegation is submitted, the Manager of Athletics (or Judicial Affairs Office) will review the allegation and may decline to proceed with an investigation in cases where:
(a) the allegation falls within the jurisdiction of another university policy, procedure or regulation and it is more appropriate to proceed under that policy or regulation;
(b) the allegation(s) does not constitute a violation of or is outside the scope of the Code of Conduct;
(c) an unreasonable amount of time has elapsed since the alleged incident such that it would preclude resolution of the allegation;
(d) the allegation has been adequately addressed by another process;
(e) the allegation is being addressed by another process and it is reasonable to put the allegation in abeyance pending the outcome of such a process; or
(f) the allegation is trivial, false, frivolous, or vexatious.

4.01 Where the Manager of Athletics (or Judicial Affairs Office) declines to proceed with investigating a formal allegation under the Code of Conduct, s/he will notify the complainant in writing of the decision within ten (10) university business days of receiving the formal allegation and will include rationale for the decision not to investigate.

4.02 The complainant may submit a written appeal of the decision not to investigate a formal allegation to the Director of Athletics and Recreation (or designate) within five (5) university business days of receiving the decision only where:

(a) relevant information emerges that was not available at the time of the decision;
(b) the complainant reasonably believes the decision not to proceed with an investigation was biased; or
(c) the complainant reasonably believes that the Manager of Athletics (or the Judicial Affairs Office) made a judgment error in determining that the allegation was trivial, false, frivolous or vexatious.

4.03 The Director of Athletics and Recreation will review the written appeal and may meet with the complainant before making a final determination on whether an investigation of the formal allegation will occur under the Code of Conduct.

**Investigation and Determination**

4.00 Where an allegation of a violation of the Code of Conduct has been made against a Student-Athlete and it is determined that an investigation will be undertaken, the respondent Student-Athlete shall be provided in writing with:

(a) a notice of the allegation;
(b) a summary of pertinent information regarding the allegation;
(c) a timeline for providing relevant documentation;
(d) a proposed interview date and time (including notice of the right to reschedule within reasonable timeframes and under reasonable circumstances); and
(e) access to a copy of relevant policies and documents.

5.00 As part of the investigation, the Manager of Athletics (or the Judicial Affairs Office) will gather and review relevant information and conduct interviews as appropriate with the complainant, pertinent university staff and any witnesses to the alleged incident. The Manager of Athletics
(or Judicial Affairs Office) will forward a summary of the information collected during the investigation to the respondent Student.

5.01 The Manager of Athletics (or the Judicial Affairs Office) will conduct an interview with the respondent Student-Athlete to review the formal allegation and the information collected in the investigation.

5.02 A Student-Athlete may, at his or her discretion, have a Support Person present at any proceeding related to an allegation of a violation of the Code of Conduct to provide personal support and advice.

5.03 Upon completion of the interview with the respondent Student, the Manager will provide the respondent Student-Athlete with a reasonable opportunity to submit an additional response or any relevant documentation related to the allegation.

5.04 A decision may be made based on available information in a case where the respondent Student-Athlete does not:
   (a) attend a scheduled interview;
   (b) provide relevant documentation requested during the investigation;
   (c) submit an additional response or documents pursuant to 5.03; or
   (d) otherwise cooperate with the investigation.

6.00 Upon completing an investigation of a violation of the Code of Conduct, the Manager of Athletics (or Judicial Affairs Office) will prepare a written report summarizing:
   (a) the alleged Misconduct;
   (b) the information available on the alleged incident(s) and other pertinent information;
   (c) the findings of the investigation including a statement dismissing or confirming the allegation; and
   (d) any sanction(s) to be applied or recommended in accordance with the Procedures for Determining Potential Sanctions for Confirmed Violations of the Student-Athlete Code of Conduct.

Sanctions

7.00 In cases of a confirmed violation of the Code of Conduct, sanctions may be applied in accordance with the Procedures for Determining Potential Sanctions for Confirmed Violations of the Student-Athlete Code of Conduct.

Communication with the Respondent Student

8.00 Upon conclusion of the investigation and determination of any sanction(s), the university shall provide written notice to the respondent Student of any decisions made and information about the right to appeal the decision.
PROCEDURES FOR DETERMINING POTENTIAL SANCTIONS FOR CONFIRMED VIOLATIONS OF THE STUDENT-ATHLETE CODE OF CONDUCT

Procedural Authority: Associate Vice-President Student Affairs  
Effective Date: TBD  
Parent Policy: Student-Athlete Code of Conduct  
Supersedes: New  
Last Editorial Change:

PURPOSE
1.00 The purpose of this document is to set out possible sanctions for Student-Athletes found responsible for violating the Student-Athlete Code of Conduct.

PROCEDURES
2.00 In cases of confirmed violations of the Student-Athlete Code of Conduct, sanctions may be applied against a Student-Athlete independently or in combination as appropriate.

3.00 Sanctions shall be determined by the Manager of Athletics (or the Judicial Affairs Office) upon completion of an investigation and will be applied in consultation with the requisite Administrative Authority (or designate) as appropriate.

4.00 In determining an appropriate sanction as a result of a confirmed violation of the Student-Athlete Code of Conduct, consideration may be given to factors including:
   (a) the seriousness and impact of the Student-Athlete’s conduct on:
      • the University Community;
      • a university activity or Athletic Activity;
      • the reputation of a varsity team, the Department of Athletics and Recreation or the university; or
      • university or personal property.
   (b) the Student-Athlete’s previous conduct;
   (c) the Student-Athlete’s needs;
   (d) whether the incident is isolated;
   (e) whether the incident was inadvertent or deliberate;
   (f) whether other university policies were violated;
   (g) related financial costs; and
   (h) any other mitigating factors.
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
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<tbody>
<tr>
<td>Written Warning</td>
<td>A letter from the coach or department of Athletics and Recreation that provides details on the Code of Conduct violation and warning to the Student-Athlete that an additional violation will result in a more severe sanction(s).</td>
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<tr>
<td>Written or verbal apology</td>
<td>The Student-Athlete provides a written or verbal apology to an individual group, or team affected by the Student-Athlete’s conduct.</td>
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<tr>
<td>Participation in an Alternative Dispute Resolution Process</td>
<td>The Student-Athlete participates in an alternative dispute resolution process such as conflict coaching, facilitated dialogue, restorative justice or mediation.</td>
</tr>
<tr>
<td>Suspension or Denial of Specified Privileges</td>
<td>Suspension or denial of specified university or team privileges for a defined period of time.</td>
</tr>
<tr>
<td>Restitution</td>
<td>Payment of a specified amount to the university or to an affected member of the University Community, group or third-party if monetary loss has occurred as a result of the violation.</td>
</tr>
<tr>
<td>Educational Workshop, written assignment or Community Service</td>
<td>The Student-Athlete participates in an educational workshop, completes a written assignment such as a reflection paper or provides a service to the community.</td>
</tr>
<tr>
<td>Probation</td>
<td>Written warning that any confirmed future conduct violation will result in temporary or permanent suspension of the Student Athlete or the varsity team from all practices, games, events or other competitions.</td>
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<tr>
<td>Suspension of a Student-Athlete from varsity team for a defined number of practices, games, team events and/or competitions</td>
<td>The Student-Athlete is not permitted to participate in team activities such as practices, games, events or other competitions.</td>
</tr>
<tr>
<td>Permanent Suspension from team</td>
<td>The Student-Athlete is permanently suspended from being on Vikes Varsity teams.</td>
</tr>
<tr>
<td>Suspension of varsity team for a defined number of practices, games, team events and/or competitions</td>
<td>Suspension of a team from participating in all team activities including but not limited to, practices, games, events or other competitions.</td>
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PROCEDURES FOR APPEALING A SANCTION UNDER THE
STUDENT-ATHLETE CODE OF CONDUCT

Procedural Authority: Associate Vice-President, Student Affairs
Parent Policy: Student-Athlete Code of Conduct

PURPOSE
1.00 The purpose of these procedures is to set out the process for a respondent Student’s appeal of a sanction under the Student-Athlete Code of Conduct (hereinafter referred to as the ‘Code of Conduct’).

PROCEDURES
2.00 Where a decision has been made against a Student-Athlete under the Code of Conduct, the Student-Athlete may appeal the decision within five (5) university business days of receiving notice of the decision providing that there are sufficient grounds for appeal.

2.01 A Student-Athlete may not appeal a decision based solely on disagreement with the sanction imposed.

2.02 Sufficient grounds for appeal of a sanction under the Code of Conduct include one or more of the following:
   (a) relevant information emerges that was not available at the time of the original decision;
   (b) the Student-Athlete believes the investigation, hearing or decision was biased;
   (c) the processes or procedures set out in the Code of Conduct were not followed which may have substantially affected the outcome; or
   (d) the severity of the sanction imposed reasonably exceeds the nature of the misconduct.

Procedures for Appealing a Minor Sanction
3.00 A Student-Athlete who wishes to appeal a sanction imposed under the Code of Conduct shall file a written statement of appeal to the Director of Athletics and Recreation (or designate) that includes:

   (a) a statement of the grounds for appeal;
   (b) a statement of facts relevant to the grounds for appeal;
   (c) a statement of the remedy or relief sought;
(d) copies of relevant documents the Student-Athlete intends to refer to; and
(e) the names of any witnesses the Student-Athlete wishes to call upon.

4.00 The Director of Athletics and Recreation will review the written statement of appeal and convene an appeal board (the "Appeal Board") where there are sufficient grounds for the appeal of a minor sanction.

4.01 The Appeal Board will consist of:
   (a) the Director of Athletics and Recreation (or designate) who shall be the Appeal Board chair and a non-voting Appeal Board member;
   (b) two (2) current Student-Athletes; and
   (c) a Manager in the Athletics and Recreation department.

5.00 The Student may be assisted by a Support Person during the appeal.

6.00 The Appeal Board shall review relevant information and conduct an appeal hearing normally within ten (10) university business days of the receipt of the appeal.

7.00 The Appeal Board may, after reviewing the relevant information and conducting a hearing:
   (a) uphold the original decision and/or sanction(s);
   (b) reverse the decision;
   (c) reverse or modify the sanction(s); or
   (d) determine that a procedural error occurred and refer the matter back for re-investigation.

8.00 The Appeal Board’s decision on a sanction shall be final and will be communicated to the Student-Athlete in writing within five (5) university business days of the adjudication of the appeal.