



## CODE OF CONDUCT AND ETHICS POLICY

**POLICY STATEMENT:** Canada Snowboard believes that Individuals have the right to participate in the organization's business, activities and events without being subject to bullying, harassment, discrimination, violence, improper activities or behaviour. This Code of Conduct and Ethics is to be adopted alongside the Universal Code of Conduct to Prevent and Address Maltreatment in Sport version 5.1 (UCCMS) and sets expectations for how Individuals must manage their behaviours and interact with others: it is an organizational statement of integrity that will facilitate building loyalty, trust and confidence amongst our stakeholders.

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<b>Related Policies:</b>	Universal Code of Conduct to Prevent and Address Maltreatment in Sport Version 5.1 (UCCMS) Abuse Prevention Policy Discipline and Complaints Policy Investigations Policy – Discrimination, Bullying, Harassment, Violence and Abuse. Dispute Resolution Policy Employment and Athlete Agreements

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### Definitions

1. The following terms have these meanings in this Code:
  - a) "Abuse" – As defined in the *Abuse Policy*; however, it may also include the Abuse of any Individual, in which case the definition of Abuse and the provisions of the Abuse Policy shall apply *mutatis mutandis*.
  - b) "Affiliated Organization" – Includes Provincial/Territorial Snowboard Organizations and Snowboard Clubs recognized by Canada Snowboard.
  - c) "Bullying" - is offensive behaviour and/or abusive treatment of an Individual that typically, but not always, involves an abuse of power. Examples of behaviour that may constitute bullying include, but are not limited to:
    - i. Spreading malicious rumours, gossip or innuendos with the intent of causing harm or suffering to an Individual;
    - ii. Excluding or isolating an Individual socially with the intent of causing them harm or suffering;
    - iii. Making offensive jokes or derogatory comments to an Individual or to others;
    - iv. Yelling, verbally berating or using profanity;
    - v. Assigning unreasonable duties or workload which are unfavourable to an Individual or Individuals; or
    - vi. Any form of cyber bullying.<sup>1</sup>

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<sup>1</sup> Cyberbullying includes but is not limited to:

- Sending mean or threatening emails or text/instant messages.

- d) *“Discrimination”* – Differential treatment of an individual based on one or more prohibited grounds, which include race, citizenship, national or ethnic origin, colour, religion, age, sex,<sup>2</sup> sexual orientation, gender identity or expression, marital status, family status, genetic characteristics,<sup>3</sup> disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.
- e) *“Individuals”* – refers to all categories of members and/or registrants defined in the Bylaws of Canada Snowboard and in the Bylaws of an Affiliated Organization, as well as all people employed by, contracted by, or engaged in activities with, Canada Snowboard and an Affiliated Organization including, but not limited to, employees, contractors, athletes, coaches, mission staff, chefs de mission, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
- f) *“Harassment”* – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
- i. Written or verbal abuse, threats, or outbursts;
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
  - iv. Leering or other suggestive or obscene gestures;
  - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - vi. Practical jokes which endanger a person’s safety, or may negatively affect performance;
  - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - ix. Deliberately excluding or socially isolating a person from a group or team;
  - x. Persistent sexual flirtations, advances, requests, or invitations;
  - xi. Physical or sexual assault;
  - xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
  - xiii. Retaliation or threats of retaliation against a person who reports harassment to Canada Snowboard or to an Affiliated Organization.
- g) *“Sexual Harassment”* – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that

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- Posting embarrassing photos of someone online.
  - Creating a website to make fun of others.
  - Pretending to be someone by using their name.
  - Tricking someone into revealing personal or embarrassing information and sending it to others.

<sup>2</sup> Where the ground of discrimination is pregnancy or child-birth, the discrimination shall be deemed to be on the ground of sex.

<sup>3</sup> Where the ground of discrimination is refusal of a request to undergo a genetic test or to disclose, or authorize the disclosure of, the results of a genetic test, the discrimination shall be deemed to be on the ground of genetic characteristics.

the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:

- i. Sexist jokes;
  - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - iii. Offering a benefit in exchange for a sexual favour;
  - iv. Demanding hugs;
  - v. Bragging about sexual ability;
  - vi. Leering (persistent sexual staring);
  - vii. Sexual assault;
  - viii. Display of sexually offensive material;
  - ix. Distributing sexually explicit messages or attachments such as pictures or video files;
  - x. Sexually degrading words used to describe an Individual or words that negatively connote an Individual's sexual orientation or gender identity;
  - xi. Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;
  - xii. Inquiries or comments about an Individual's sex life;
  - xiii. Persistent, unwanted attention after a consensual relationship ends;
  - xiv. Persistent unwelcome sexual flirtations, advances, or propositions; and
  - xv. Persistent unwanted contact.
- h) *"Workplace"* - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the office of Canada Snowboard or an Affiliated Organization, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment, and work-related conferences or training sessions.
- i) *"Workplace Harassment"* – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
- i. Bullying;
  - ii. Workplace pranks, vandalism, bullying or hazing;
  - iii. Repeated offensive or intimidating phone calls or emails;
  - iv. Inappropriate sexual touching, advances, suggestions or requests;
  - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
  - vi. Psychological abuse;
  - vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
  - viii. Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - ix. Sabotaging someone else's work or performance;
  - x. Gossiping or spreading malicious rumours;
  - xi. Intimidating words or conduct (offensive jokes or innuendos); and
  - xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
- j) *"Workplace Violence"* – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
- i. Verbal or written threats to attack;
  - ii. Sending to or leaving threatening notes or emails;
  - iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
  - iv. Wielding a weapon in a Workplace;
  - v. Hitting, pinching or unwanted touching which is not accidental;

- vi. Dangerous or threatening horseplay;
- vii. Physical restraint or confinement;
- viii. Blatant or intentional disregard for the safety or wellbeing of others;
- ix. Blocking normal movement or physical interference, with or without the use of equipment;
- x. Sexual violence; and
- xi. Any attempt to engage in the type of conduct outlined above.

### **Purpose**

2. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of Canada Snowboard and its Affiliated Organizations by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values. Canada Snowboard and its Affiliated Organizations support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals are treated with respect, dignity and fairness.

### **Scope and Application**

3. In conjunction to this Code, Canada Snowboard has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, Version 5.1 (UCCMS). In the event of conflict between the two policies the UCCMS V5.1 shall prevail, if applicable.
4. This Code applies to Individuals' conduct during the business, activities, and events of Canada Snowboard and its Affiliated Organizations and includes, but is not limited to, competitions, practices, try-outs, training camps, travel associated with organizational activities, the office environment, and any meetings that take place by video conference, telephone and other communication platforms.
5. An Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or practice area, and the Individual may be subject to sanctions pursuant to that competition's policies.
6. This Code also applies to Individuals' conduct outside of the business, activities, and events of Canada Snowboard and its Affiliated Organizations when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of Canada Snowboard or an Affiliated Organization. Such applicability will be determined by Canada Snowboard or an Affiliated Organization, as applicable, at its sole discretion.

### **Responsibilities**

7. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of members and other individuals by:
    - i. Treating each other with the highest standards of respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
    - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
    - v. Consistently treating individuals fairly and reasonably; and
    - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
  - b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, or Discrimination.
  - c) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, Canada Snowboard and its Affiliated Organizations adopt and adhere to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to the *Discipline and Complaints Policy*. Canada Snowboard and its Affiliated Organizations will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Canada Snowboard, an Affiliated Organization, or any other sport organization.
  - d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility

- imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES).
- e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
  - f) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of Canada Snowboard or an Affiliated Organization.
  - g) In the case of minors, not consume alcohol, tobacco, or cannabis at any competition or event.
  - h) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the events of Canada Snowboard or an Affiliated Organization (subject to any requirements for accommodation), not consume alcohol during competitions and in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations by refraining from becoming impaired.
  - i) Respect the property of others and not wilfully cause damage.
  - j) Promote sport in the most constructive and positive manner possible.
  - k) When driving a vehicle with an Individual:
    - i. Not have his or her license suspended;
    - ii. Not be under the influence of alcohol or illegal drugs or substances; and
    - iii. Have valid car insurance.
  - l) Adhere to all federal, provincial, municipal and host country laws.
  - m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.
  - n) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of Canada Snowboard and its Affiliated Organizations, as applicable and as adopted and amended from time to time.
  - o) Report any ongoing criminal investigation, conviction, or existing bail conditions involving an Individual to Canada Snowboard or to an Affiliated Organization, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal substance.

#### **Directors and Committee Members**

- 8. In addition to clause #6 (above), Directors, Committee Members, and Staff of Canada Snowboard and its Affiliated Organizations will have additional responsibilities to:
  - a) Function primarily as a Director or Committee Member or Staff Member of Canada Snowboard or an Affiliated Organization (as applicable); not as a member of any other member or constituency.
  - b) Ensure their loyalty prioritizes the interests of Canada Snowboard or an Affiliated Organization, as applicable.
  - c) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of Individuals' confidence.
  - d) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
  - e) Conduct themselves openly, professionally, lawfully and in good faith.
  - f) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
  - g) Behave with decorum appropriate to both circumstance and position.
  - h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
  - i) Respect the confidentiality appropriate to issues of a sensitive nature.
  - j) Respect the decisions of the majority and resign if unable to do so.
  - k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
  - l) Have a thorough knowledge and understanding of all governance documents.

#### **Management and Staff**

- 9. In addition to clause #6 (above), Management and Staff will have additional responsibilities to:

- a) Take steps to prevent and minimize any forms of bullying, harassment, discrimination, abuse, violence, and any improper activity or behaviour.
- b) Develop, implement, and maintain appropriate processes and procedures for both reporting incidents and complaints as well as investigating incidents and complaints.
- c) Ensure that supervisors and employees have received appropriate training regarding awareness and prevention of bullying, harassment, discrimination, abuse, violence, or improper activities including, at a minimum, detailed review of all relevant policies.
- d) Actively promote a respectful, welcoming and safe workplace environment.
- e) Ensure all inappropriate behaviours such as bullying, workplace violence and harassment are duly reported to the appropriate individual(s) within Canada Snowboard.
- f) Provide support as required on incident investigations and maintain confidential files for all complaints and subsequent investigations and disciplinary actions that may be taken.
- g) Take steps to ensure that the necessary support is provided to any Individual, or group of Individuals, who has (or have) been treated in a manner that contravenes this Code.

### **Coaches**

10. In addition to clause #6 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes.
  - b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes.
  - c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments.
  - d) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs.
  - e) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate.
  - f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete.
  - g) Act in the best interest of the athlete's development as a whole person.
  - h) Comply with the *Screening Policy*.
  - i) Report any ongoing criminal investigation, conviction, or existing bail conditions to Canada Snowboard or an Affiliated Organization, as applicable, including those for violence, child pornography, or possession, use, or sale of any illegal substance.
  - j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol, cannabis, and/or tobacco.
  - k) Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes.
  - l) Not engage in a sexual or intimate relationship with an athlete.
  - m) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights.
  - n) Dress professionally, neatly, and inoffensively.
  - o) Use inoffensive language, taking into account the audience being addressed.

### **Training**

11. Canada Snowboard Management will ensure that basic training is provided on the content of this Code to ensure that all staff and national team coaches and athletes:
- Are aware of and fully comprehend the contents of the Code;
  - Are able to recognize bullying, harassment, and all other forms of inappropriate behaviour in the workplace or within the context of any Canada Snowboard activities, competitions or events;
  - Can properly respond to and report any incidents that may constitute a violation of the Code; and
  - Are familiar with how incidents are responded to, investigated and the potential forms of discipline.

#### **Athletes**

12. In addition to clause #6 (above), athletes will have additional responsibilities to:
- Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete.
  - Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, and events.
  - Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason.
  - Adhere to any rules and requirements regarding clothing and equipment.
  - Act in a sportsmanlike manner and not display appearances of violence, foul language, or disrespectful gestures to other athletes, officials, coaches, or spectators.
  - Dress to represent the sport and themselves well and with professionalism.
  - Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers.

#### **Officials**

13. In addition to clause #6 (above), officials will have additional responsibilities to:
- Maintain and update their knowledge of the rules and rule changes.
  - Not publicly criticize other officials.
  - Work within the boundaries of their position's description while supporting the work of other officials.
  - Act as an ambassador of the sport of snowboarding by agreeing to enforce and abide by national and provincial rules and regulations.
  - Take ownership of actions and decisions made while officiating.
  - Respect the rights, dignity, and worth of all Individuals.
  - Act openly, impartially, professionally, lawfully, and in good faith.
  - Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
  - Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals.
  - Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time.
  - When writing reports, set out the actual facts.
  - Dress in proper attire for officiating.

#### **Parents/Guardians and Spectators**

14. In addition to clause #6 (above), parents/guardians and spectators at events will:
- Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
  - Condemn the use of violence in any form
  - Never ridicule a participant for making a mistake during a performance or practice
  - Provide positive comments that motivate and encourage participants' continued effort
  - Respect the decisions and judgments of officials, and encourage athletes to do the same
  - Never question an official's or staff member's judgment or honesty
  - Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
  - Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
  - Not harass competitors, coaches, officials, parents/guardians, or other spectators

## **Procedures:**

### Reporting – Informal Intervention

15. Any individual that considers that they have been bullied or harassed, have been a victim of discrimination, violence or improper activity or behaviour, or witnessed any such actions, may:
  - a) Immediately inform the perpetrating Individual that their actions are unacceptable.
  - b) Describe the specific actions that they took that caused you (or the Individual subject to the conduct or behaviour) to feel uncomfortable.
  - c) Keep a record of dates and times of conversations with the perpetrating Individual and inform Canada Snowboard what occurred.
  - d) If the actions continue, Individuals may use the formal reporting process.

### Reporting - Formal Procedure

16. If bullying, harassment, violence, or improper activity or behaviour either continues to occur after a conversation with the perpetrating Individual, or the behaviour is serious or dangerous in nature, Individuals may report the behaviour immediately by taking the following steps:
  - a) Submit in writing, in accordance with the “*Discipline and Complaints Policy*”, a statement detailing the incident including:
    - i. The names of the parties involved;
    - ii. Any witnesses to the incident;
    - iii. The location, date, and time of the incident;
    - iv. Details about the incident such as specific behaviour or words used; and
    - v. Any additional details that would help with an investigation.
  - b) A Case Manager may be appointed as described in the “*Discipline and Complaints Policy*”.

## **Fraudulent or Malicious Complaints**

17. The Code must never be used to bring fraudulent or malicious complaints against individuals as unfounded or frivolous allegations of bullying, harassment, discrimination, violence, abuse, or improper activities or behaviours may cause both the accused individual and the organization significant harm.
18. If the organization determines that an individual has knowingly made false statements about another individual regarding any inappropriate behaviour described in the Code, then an investigation, as detailed in the *Investigations Policy - Discrimination, Bullying, Harassment, Violence and Abuse*, will immediately ensue regarding the dishonest statements with appropriate disciplinary actions taken as determined by the outcome of the investigation.



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# UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT (UCCMS)

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## SECTION 1.0 GENERAL PRINCIPLES AND COMMITMENT

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1.1 Canadian Sport promises to contribute to the physical, psychological, social, and spiritual health of individuals of varying abilities, backgrounds and interests, and contributes to societal engagement and pride. The *Physical Activity and Sport Act* states that: “The Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including [...] the treatment of all persons with fairness and respect, the full and fair participation of all persons in sport and the fair, equitable, transparent and timely resolution of disputes in sport.”<sup>4</sup>

Only when sport environments are safe and inclusive can these values be realized. Individuals should have the reasonable expectation when they participate in sport in Canada that it will be in an environment that is accessible, inclusive, respects their personal goals and is free from all forms of *Maltreatment*. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.

*Maltreatment* is unacceptable and fundamentally incompatible with the core values that lie at the heart of Canadian sport as indicated in the Canadian Sport Policy, including being values- based, inclusive, technically sound, collaborative, intentional and effective.

1.2 The following principles will guide the determination of *Maltreatment* and imposition of sanctions:

- The *Maltreatment* in question violates the integrity of the participant in question and undermines the values of Canadian sport.
- The sanctions imposed reflect the seriousness of the *Maltreatment* and the harm to those affected and the values of Canadian sport.
- Harmonized (applied to all *Participants* across Canada)
- Fair (procedural and substantive due process for all *Participants*)
- Comprehensive (all forms of *Maltreatment* and potential sanctions described)
- Expert-informed (the determination of *Maltreatment* and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
- Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
- Evidence-driven (evidence of *Maltreatment* required)
- Independent administration (free from all conflicts of interest)

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<sup>4</sup> *Physical Activity and Sport Act*, S.C. 2003, c. 2, Section 4.1

*[Comment to Section 1.2: Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed.]*

1.3 Following the Safe Sport Working Group’s consensus statements and the Pan-Canadian consultation held from March to May 2019, all parties and organizations committed to the goal of Safe Sport have agreed that *Maltreatment* has no place in Canadian sport and, when present, must be sanctioned appropriately. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders:

- All *Participants* in sport can expect to play, practice and compete, work, and interact in an environment free from *Maltreatment*.
- Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participants*, sport stakeholders, sport club administrators and organization leaders.
- *Participants* in positions of trust and authority have the general responsibility to protect the health and well-being of all other *Participants*.
- Adult *Participants* have a specific ethical and statutory duty and the additional responsibility to respond to incidents of *Maltreatment* involving *Minors* and other vulnerable individuals.
- All *Participants* recognize that *Maltreatment* can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of *Maltreatment*.
- All *Participants* recognize that individuals who have experienced *Maltreatment* may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
- All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.
- In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

## DEFINITIONS

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**Athlete:** An individual who is a member, registrant or license holder of a sport organization subject to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).

**[Note: The UCCMS (when fully drafted and implemented) will set out in detail how jurisdiction over various groups of individuals, including *Athletes*, will be acquired.]**

**Complainant:** A *Participant* or observer who makes a report of an incident of *Maltreatment* or suspicions of an incident of *Maltreatment*.

**Consent by a Person over the Age of Majority:** *Consent* is defined in Canada's *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The *Criminal Code* also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent.<sup>5</sup> For further information, please see the comment below.

Sexual activity with a minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.

*[Comment to Consent: The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that consent now exists. No one can legally consent in advance to sexual activity in the future when they will be unconscious. No one can legally consent to activity where they will suffer bodily harm, such as activity that will cause serious bruises, stitches or broken bones. It is a criminal offence to engage in sexual activity with a child, as a child is unable to consent.]*

**Disclosure:** The sharing of information by a *Participant* regarding an incident or a pattern of *Maltreatment* experienced by that *Participant*. *Disclosure* does not constitute a formal report that initiates a process of investigation to address the *Maltreatment*.

**Duty to Report under Child Protection Legislation:** A legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation. Everyone has a duty to report child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child *Maltreatment* if there is knowledge or suspicion that it is occurring. This is called the "duty to report." Every person in Canada has the duty to report known or suspected child *Maltreatment* by law. Known or suspected abuse or *Neglect* of a child must be reported to: local child welfare services (e.g., children's aid society or child and family services agency), or provincial/territorial social service ministries or departments, or local police.

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<sup>5</sup> *Criminal Code*, R.S.C. 1985, c. C-46, [s. 273.1(1)]

**Duty to Report Concerns Outside of Child Protection Legislation:** Participants have a duty to report concerns of inappropriate conduct of other *Participants* to uphold the ethical standards and values of Canadian sport. *Reporting* inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect *Participants* from *Maltreatment* is enacted.

**Grooming:** Deliberate conduct by a *Participant* to sexualize a relationship with a *Minor* that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the *Participant* will gain the trust of the *Minor* and protective adults and peers around the *Minor* often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the *Minor* in order to abuse or exploit the *Minor*. *Grooming* can occur whether or not harm is intended or results from the behaviour.<sup>6</sup>

**Minor:** An individual who is under the age of majority at the time and in the jurisdiction where the alleged *Maltreatment* occurred. It is the responsibility of the adult to know the age of a minor.<sup>7</sup>

*Comment to Minor: The following table illustrates the definition of a child for the purposes of protection in each province and territory at the time of writing this UCCMS. Please check your local jurisdiction for potential changes.*

<i>Province or Territory</i>	<i>Definition of child for purposes of protection</i>
<i>Newfoundland and Labrador</i>	<i>under 16 years old</i>
<i>Prince Edward Island</i>	<i>under 18 years old</i>
<i>Nova Scotia</i>	<i>under 19 years old</i>
<i>New Brunswick</i>	<i>under 19 years old</i>
<i>Quebec</i>	<i>under 18 years old</i>
<i>Ontario</i>	<i>under 18 years old</i>
<i>Manitoba</i>	<i>under 18 years old</i>
<i>Saskatchewan</i>	<i>under 16 years old</i>
<i>Alberta</i>	<i>under 18 years old</i>
<i>British Columbia</i>	<i>under 19 years old</i>
<i>Yukon</i>	<i>under 19 years old</i>
<i>Northwest Territories</i>	<i>under 16 years old</i>
<i>Nunavut</i>	<i>under 16 years old</i>

*Note: Children with disabilities are eligible for protective services until age 19.*

**Maltreatment:** Volitional acts that result in harm or the potential for physical or psychological harm.<sup>8</sup> Any of the various prohibited behaviours and conduct described in Section 2.0.

<sup>6</sup> Commit to Kids. Helping Organizations Prevent Child Sexual Abuse. Canadian Centre for Child Protection.

<sup>7</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/canada/processing-provincial-definitions-minor.html>

<sup>8</sup> Crooks, C. V., & Wolfe, D. A. (2007). Child abuse and neglect. In E. J. Mash & R. A. Barkley (Eds.),

**Neglect:** Any pattern or a single serious incident of lack of reasonable care, inattention to a *Participant's* needs, nurturing or well-being, or omissions in care. *Neglect* is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the *Participant's* needs and requirements, not whether harm is intended or results from the behaviour.<sup>9</sup>

**Participant:** Every individual who is subject to the UCCMS. [Note: *Participants* may become subject to the UCCMS by various means. *Athletes* through membership in an adopting sport organization and coaches, volunteers, doctors, trainers, administrators, directors, etc. by signing an express contract accepting the jurisdiction of the UCCMS.]

**Physical Maltreatment:** Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Participant*. *Physical Maltreatment* includes, without limitation, contact or non-contact infliction of physical harm. *Physical Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.<sup>10</sup>

**Power Imbalance:** A *Power Imbalance* may exist where, based on the totality of the circumstances, a *Participant* has supervisory, evaluative, a duty of care, or other authority over another *Participant*. A *Power Imbalance* may also exist between an *Athlete* and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. *Maltreatment* occurs when this power is misused.

Once a coach-*Athlete* relationship is established, a *Power Imbalance* is presumed to exist throughout the coach-*Athlete* relationship, regardless of age, and is presumed to continue for *Minor Athletes* after the coach-*Athlete* relationship terminates or until the *Athlete* reaches 25 years of age.

A *Power Imbalance* may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).

*[Comment to Power Imbalance: A Power Imbalance may arise whether the Participants are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and Athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent and child; teacher and student; coach and Athlete; high performance director and Athlete, sport science and medical support staff and Athlete; billet or host family and Athlete; and 3) a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete,*

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*Assessment of childhood disorders* (pp. 639-684). New York, NY, US: Guilford Press.

<sup>6</sup> (i) Stirling, A. (2009). Definition and constituents of maltreatment in sport: Establishing a conceptual framework for research practitioners. *British Journal of Sports Medicine*, 43(14), 1091-9. And (ii) Safe Sport Code for U.S. Olympic and Paralympic Movements. (2019). U.S. Center for Safe Sport.

<sup>7</sup> *Ibid.*

*coach-coach or official-official relationships. Power may be represented by seniority, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples. Maltreatment occurs when this power is misused. Moreover, it is recognized that those from traditionally marginalized groups have experienced positions of lesser power.]*

**Psychological Maltreatment:** Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Participant*.

*Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. *Psychological Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.<sup>11</sup>

**Reporting (or Report):** The provision of information in writing by any person or a *Participant* to a relevant independent authority (the independent person or position charged with receiving a report and determining next steps) regarding *Maltreatment*. *Reporting* may occur through either: (i) the *Complainant* (of any age) or the one who experienced the *Maltreatment*, or (ii) a witness – someone who witnessed the *Maltreatment* or otherwise knows or suspects *Maltreatment*. In either case, the intention of *Reporting* is to initiate an independent investigative process, which could result in disciplinary action being taken against the *Respondent*.

**Respondent:** A *Participant* who is alleged to have engaged in *Maltreatment* and thereby to have violated the UCCMS.

**Sexual Maltreatment involving a Child:** Any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact.<sup>12</sup>

**Sexual Maltreatment involving a person over the Age of Majority:** Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a *Participant* without the *Participant's Consent*. It includes any act targeting a *Participant's* sexuality, gender identity or expression, that is committed, threatened or attempted against a *Participant* without that *Participant's* Consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

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<sup>8</sup> *ibid.*

<sup>9</sup> Commit to Kids. Helping Organizations Prevent Child Sexual Abuse. Canadian Centre for Child Protection. <https://commit2kids.ca/en/>

## SECTION 2.0 MALTREATMENT

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### 2.1 Scope of Application

- 2.1.1 This section of the UCCMS sets forth expectations for *Participants* regarding the elimination of *Maltreatment* in sport.
- 2.1.2 The UCCMS applies to *Participants* active in sport or retired from sport where any claim of *Maltreatment* occurred when the *Participant* was active in sport.
- 2.1.3 The right to participate in sport may be limited, conditional, suspended, terminated or denied if a *Participant* is alleged to have engaged in *Maltreatment*. It is a violation of the UCCMS for a *Participant* to engage in *Maltreatment* (however described).
- 2.1.4 Adults in positions of trust and authority shall be responsible for knowing what constitutes *Maltreatment*. The categories of *Maltreatment* are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the *Maltreatment* is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of *Maltreatment*.

*Maltreatment* can be any of the prohibited behaviours and conduct, provided the *Maltreatment* occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the *Participant* alleged to have committed *Maltreatment* was engaging in sport activities or (iii) when the *Participants* involved interacted due to their mutual involvement in sport or (iv) outside of the sport environment where the *Maltreatment* has a serious and detrimental impact on another *Participant*. The physical location(s) where the alleged *Maltreatment* occurred is not determinative.

#### 2.1.5 Subjecting a *Participant* to the Risk of *Maltreatment*

It is a violation of the UCCMS for sport administrators or other sport decision-makers in positions of authority to place *Participants* in situations that make them vulnerable to *Maltreatment*. This includes, but is not limited to, instructing an *Athlete* and coach to share a hotel room when traveling, hiring a coach who has a past history of *Athlete Maltreatment*, assigning guides and other support staff to a para-*Athlete* when the guide or support staff has a reputation for *Athlete Maltreatment* or assigning such a guide or support staff to a para-*Athlete* in the absence of consultation with the para-*Athlete*.

#### 2.1.6 Sport-Specific Considerations

The UCCMS acknowledges that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition. However, as the UCCMS does not address rules of the game, any relevant sport-specific differences will be considered during investigative processes.

## 2.2 **Maltreatment**

### 2.2.1 *Psychological Maltreatment*

2.2.1.1 It is a violation of the UCCMS for a *Participant* to engage in *Psychological Maltreatment*.

2.2.1.2 *Psychological Maltreatment* includes, without limitation, verbal acts, non-assaultive physical acts and acts that deny attention or support.

#### 2.2.1.2.1 Verbal Acts

Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately.

Verbal *Maltreatment* may also occur in online forms.

#### 2.2.1.2.2 Non-assaultive Physical Acts (no physical contact)

Physically aggressive behaviors, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.

#### 2.2.1.2.3 Acts that Deny Attention or Support

Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an *Athlete* as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

### 2.2.2 *Physical Maltreatment*

2.2.2.1 It is a violation of the UCCMS for a *Participant* to engage in *Physical Maltreatment*.

2.2.2.2 *Physical Maltreatment* includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm.

#### 2.2.2.2.1 Contact behaviours

Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.



#### 2.2.2.2.2 Non-contact behaviours

Including but not limited to: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an *Athlete* to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a *Participant* under the legal drinking age; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or knowingly permitting an *Athlete* to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an *Athlete* to perform a skill for which they are known to not be developmentally ready.

### 2.2.3 *Sexual Maltreatment*

2.2.3.1 It is a violation of the UCCMS for a *Participant* to engage in *Sexual Maltreatment*.

2.2.3.2 *Sexual Maltreatment* includes, without limitation, any act targeting a person's sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. *Sexual Maltreatment* also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.

2.2.3.3 Examples of *Sexual Maltreatment* include, without limitation:

2.2.3.3.1 Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:

- a) vaginal penetration by a penis, object, tongue, or finger; and
- b) anal penetration by a penis, object, tongue, or finger.

2.2.3.3.2 Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:

- a) kissing;
- b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;

- c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
- d) making another touch themselves, the *Participant*, or someone else with or on any of the body parts listed in b).
- e) any intentional touching in a sexualized manner of the relationship, context or situation.

2.2.3.3.3 In addition to the criminal acts identified above, the UCCMS prohibits sexual relations between an *Athlete* above the age of majority (depending upon jurisdiction) and a *Participant* who holds a position of trust and authority on the basis that there can be no *Consent* where there is a *Power Imbalance*. A *Power Imbalance* that is presumed to exist may be challenged.

#### 2.2.4 *Neglect*

2.2.4.1 It is a violation of the UCCMS for a *Participant* to engage in *Neglect*.

2.2.4.2 *Neglect*, or acts of omission, includes without limitation: not providing an *Athlete* recovery time and/or treatment for a sport injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an *Athlete* during travel, training or competition; not considering the welfare of the *Athlete* when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an *Athlete*; failure to ensure safety of equipment or environment; allowing an *Athlete* to disregard sport's rules, regulations, and standards, subjecting *Participants* to the risk of *Maltreatment*.

#### 2.2.5 *Maltreatment Related to Grooming*

2.2.5.1 It is a violation of the UCCMS for a *Participant* to engage in *Grooming*.

2.2.5.2 *Grooming* is often a slow, gradual and escalating process of building trust and comfort with a young person. *Grooming* includes, without limitation, the process of making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult *Participants* sharing rooms with a *Minor* who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).

2.2.5.3 *Grooming* usually begins with subtle behaviours that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

2.2.5.4 In the grooming process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person's trust. *Grooming* then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to "accidental" sexual touching.

2.2.5.5 The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned.<sup>13</sup>

## 2.2.6 *Maltreatment* Related to Process

2.2.6.1 The behaviors identified below also constitute *Maltreatment* and may give rise to a sanction.

### 2.2.6.1.1 Interference with or Manipulation of Process

An adult *Participant*, violates the UCCMS by directly or indirectly interfering with a UCCMS process by:

- a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) destroying or concealing information;
- c) attempting to discourage an individual's proper participation in or use of the UCCMS's processes;
- d) harassing or intimidating (verbally or physically) any person involved in the UCCMS's processes before, during, and/or following any UCCMS proceedings;
- e) publicly disclosing a *Participant's* identifying information, without the *Participant's* agreement;
- f) failing to comply with any temporary or provisional measure or other final sanction;
- g) distributing or otherwise publicizing materials a *Participant* gains access to during a UCCMS investigation or hearing, except as required by law or as expressly permitted; or
- h) influencing or attempting to influence another person to interfere with or manipulate the process.

### 2.2.6.1.2 Retaliation

Retaliation is prohibited. A *Participant* shall not take an adverse action against any person for making a good faith *Report* of possible *Maltreatment* or for participating in any process under the UCCMS. Retaliation includes threatening, intimidating,

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<sup>10</sup> Commit to Kids. Helping Organizations Prevent Child Sexual Abuse. Canadian Centre for Child Protection

harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in UCCMS's processes.

Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no *Maltreatment* occurred.

Retaliation does not include good-faith actions lawfully pursued in response to a *Report* of possible *Maltreatment*.

#### 2.2.6.1.3 Aiding and Abetting

Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of *Maltreatment* by a *Participant*. Aiding and Abetting also includes, without limitation, knowingly:

- a) allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct *Participants*;
- b) providing any coaching-related advice or service to an *Athlete* who has been suspended or is otherwise ineligible; and
- c) allowing any person to violate the terms of their suspension or any other sanctions imposed.

### 2.2.7 *Maltreatment* Related to *Reporting*

#### 2.2.7.1 Failure to *Report Maltreatment* of a *Minor*

A legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation. An adult *Participant* who fails to *Report* actual or suspected *Psychological Maltreatment*, *Sexual Maltreatment*, *Physical Maltreatment* or *Neglect* involving a *Minor Participant* pursuant to the UCCMS's processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under the UCCMS.

2.2.7.1.1 The obligation to *Report* requires the *Reporting* of any conduct which, if proven true, would constitute *Psychological Maltreatment*, *Sexual Maltreatment*, *Physical Maltreatment* or *Neglect* involving a *Minor Participant*. The obligation to *Report* is an ongoing one and is not satisfied simply by making an initial *Report*. The obligation includes *Reporting*, on a timely basis, all relevant information of which an adult *Participant* becomes aware.

2.2.7.1.2 The obligation to *Report* includes making a direct *Report*.

2.2.7.1.3 The obligation to *Report* includes personally identifying information of a potential *Minor Complainant* to the extent known

at the time of the *Report*, as well as a duty to reasonably supplement the *Report* as to identifying information learned at a later time.

2.2.7.1.4 *Participants* should not investigate or attempt to evaluate the credibility or validity of allegations involving *Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect*. *Participants* making a good faith *Report* are not required to prove the *Reports* are true before *Reporting*.

#### 2.2.7.2 Failure to *Report* Inappropriate Conduct

Not all inappropriate conduct may meet the threshold for constituting *Maltreatment* under the UCCMS. However, such inappropriate conduct may represent behavior with the risk of escalating to *Maltreatment* under the UCCMS.

Any *Participant* who suspects or becomes aware of another *Participant's* inappropriate conduct, even if it is not defined as *Maltreatment* under the UCCMS, has a duty to report such inappropriate conduct through the organization's internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures. The person making the report does not need to determine whether a violation of the UCCMS took place: instead, the responsibility lies in reporting the objective behaviour.

#### 2.2.7.3 Intentionally Filing a False Allegation

In addition to constituting *Maltreatment*, filing a knowingly false allegation or influencing others to file a knowingly false allegation, that a *Participant* engaged in *Maltreatment* shall be subject to disciplinary action pursuant to the UCCMS.

2.2.7.3.1 An allegation is false if the events *Reported* did not occur, and the person making the *Report* knows the events did not occur.

2.2.7.3.2 A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a UCCMS violation.

## SECTION 3.0 SANCTIONS

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In addition to any temporary or provisional measure that may be imposed, where there is sufficient evidence to support a finding that a *Participant* engaged in *Maltreatment* and thus violated the UCCMS, sanctions will be imposed. Different incidents constituting a violation of the same part of the UCCMS may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors.

**[Note: Precisely how (and by whom) it will be determined that there is “sufficient evidence” will be finalized when the operational and implementation details for the UCCMS are designed.]**

Any sanction imposed against a *Participant* must be proportionate and reasonable, relative to the *Maltreatment* that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of *Maltreatment* can lead to a very significant sanction.

### **3.1 Sanctions**

Subject to Section 3.3, if *Maltreatment* is proven one or more of the following sanctions may be imposed:

#### **3.1.1 Verbal or Written Warning**

A verbal reprimand or an official, written notice and formal admonition that a *Participant* has violated the UCCMS and that more severe sanctions will result should the *Participant* be involved in other violations.

#### **3.1.2 Education**

The requirement that a *Participant* undertake specified educational or similar remedial measures to address the *Maltreatment*.

#### **3.1.3 Probation**

Should any further violations of the UCCMS occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time.

#### **3.1.4 Suspension**

Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization subject to the UCCMS. A suspended *Participant* is eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the *Participant* satisfying specific conditions noted at the time of suspension.

#### **3.1.5 Eligibility Restrictions**

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

#### **3.1.6 Permanent Ineligibility**

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization subject to the UCCMS.

#### **3.1.7 Other discretionary sanctions**

Other sanctions for *Maltreatment* may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to

compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

## 3.2 Considerations

3.2.1 Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

- a) The nature and duration of the *Respondent's* relationship with the *Complainant*, including whether there is a *Power Imbalance*;
- b) The *Respondent's* prior history and any pattern of inappropriate behaviour or *Maltreatment*;
- c) The ages of the individuals involved;
- d) Whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;
- e) The *Respondent's* voluntary admission of the offense(s), acceptance of responsibility for the *Maltreatment*, and/or cooperation in the UCCMS's process;
- f) Real or perceived impact of the incident on the *Complainant*, sport organization or the sporting community;
- g) Circumstances specific to the *Respondent* being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the UCCMS; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A *Respondent* who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

## 3.3 Presumptive sanctions

3.3.1 The following sanctions are presumed to be fair and appropriate for the listed *Maltreatment*, but the *Respondent* affected may rebut these presumptions:

- a) *Sexual Maltreatment* involving a *Minor Complainant* shall carry a presumptive sanction of permanent ineligibility;
- b) *Sexual Maltreatment*, *Physical Maltreatment* with contact and *Maltreatment related to Process* shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a *Respondent* has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

## 3.4 Public Disclosure

In addition to the publication of a summary of the final outcome of a UCCMS resolution process, a publicly-available searchable database or Registry of *Respondents* who have been sanctioned by or whose eligibility to participate in sport has in some way been restricted shall be maintained, pursuant to the provisions contained in the UCCMS. **[Note: Whether all sanctions shall be summarized and publicly disclosed (e.g. including a verbal warning or an educational update) and precisely how a record shall be maintained of every sanction outcome imposed on each *Respondent* has yet to be designed. These details will be included in the UCCMS. The objective is that all sanctions must be tracked so that sport stakeholders will know (i) who has breached the UCCMS and (ii) which *Respondents* are ineligible to be involved in sport.]**