



## **STATEMENT ON SAFE SPORT**

Softball Nova Scotia has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Canadian softball community.

Softball Nova Scotia takes any situation involving misconduct or maltreatment very seriously. For this reason, Softball Nova Scotia is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

The policies are intended to promote a Safe Sport environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise. The policies are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

Should any individuals involved with Softball Nova Scotia, including but not limited to Athletes, coaches, officials, volunteers, and parents/guardians of Athletes, wish to report any instance of misconduct or maltreatment, they may do so directly to Softball Nova Scotia, which will then determine the appropriate forum and manner to address the complaint.

Softball Nova Scotia also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Although only federally funded sport organizations are required to integrate the UCCMS into their policies, Softball Nova Scotia recognizes the benefits of aligning its policies with the National standard

# SOFTBALL NOVA SCOTIA SAFE SPORT POLICY MANUAL

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## DEFINITIONS – CONDUCT

*The terms defined below apply to all policies included in this Safe Sport Manual*

\* Indicates a definition adapted from the UCCMS

1. **Abuse** – Includes Psychological Maltreatment, Physical Maltreatment, Neglect, and/or Grooming of Vulnerable Participants by Persons in Authority and which can have the following warning signs:
  - a) Recurrent unexplained injuries
  - b) Alert behavior: child seems to always be expecting something bad to happen
  - c) Often wears clothing that covers up their skin, even in warm weather
  - d) Child startles easily, shies away from touch or shows other skittish behavior
  - e) Constantly seems fearful or anxious about doing something wrong
  - f) Withdrawn from peers and adults
  - g) Behavior fluctuates between extremes (e.g., extremely cooperative, or extremely demanding)
  - h) Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
  - i) Acting out in an inappropriate sexual way with toys or objects
  - j) New adult words for body parts and no obvious source
  - k) Self-harm (e.g., cutting, burning or other harmful activities)
  - l) Not wanting to be alone with a particular child or young person
2. **\*Consent** – *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. 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
3. **\*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
4. **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, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability
5. **\*Duty to Report**
  - a) **Concerns 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

- b) **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
6. **\*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. (Grooming is also a prohibited behaviour listed under the definition of Maltreatment)
  7. **Harassment** – A course of vexatious comment or conduct against a Participant or group, which is known or ought reasonably to be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
    - a) Written or verbal abuse, threats, or outbursts.
    - b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts.
    - c) 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.
    - d) Leering or other suggestive or obscene gestures.
    - e) Condescending or patronizing behaviour, which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions.
    - f) Practical jokes which endanger a person's safety or may negatively affect performance.
    - g) **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.
    - h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing.
    - i) Deliberately excluding or socially isolating a person from a group or team.
    - j) Persistent sexual flirtations, advances, requests, or invitations.
    - k) Physical or sexual assault.
    - l) Contributing to a *poisoned sport environment*, which can include:
      - a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
      - b. Groups where harassing behaviour is part of the normal course of activities
      - c. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
    - m) 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
    - n) Retaliation or threats of retaliation against a person who reports harassment to Softball NS
  8. **\*Maltreatment** – Includes Maltreatment related to:
    - a) **Psychological Maltreatment** – which includes, without limitation, verbal acts, non- assaultive physical acts and acts that deny attention or support

- a. 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.
  - b. 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
  - c. 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
- b) *Physical Maltreatment* – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm
- a. Contact behaviours - Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects
  - b. 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
- c) *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. Examples include:
- a. 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:
    - i. vaginal penetration by a penis, object, tongue, or finger; and
    - ii. anal penetration by a penis, object, tongue, or finger
  - b. 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:
    - i. kissing;
    - ii. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
    - iii. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
    - iv. making another touch themselves, the Participant, or someone else with or on any of the body parts listed in b).

- v. any intentional touching in a sexualized manner of the relationship, context or situation
- c. 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
- d) *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
- e) *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. The Grooming process:
  - a. 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.
  - b. 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
  - c. 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
- f) *Interference with or Manipulation of Process* – it is considered maltreatment if an adult Participant directly or indirectly interferes with a 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 processes of Softball NS;
  - d. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of Softball NS;
  - 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 an 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
  - i. Retaliation – which means that 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 related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of Softball NS. 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
  - j. Aiding and Abetting – which 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:
    - i. 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;
    - ii. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
    - iii. allowing any person to violate the terms of their suspension or any other sanctions imposed
- g) *Reporting* – it is considered Maltreatment to fail 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.
- a. Failure to Report Maltreatment of a Minor
    - i. 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
    - ii. The obligation to Report includes making a direct Report
    - iii. 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
    - iv. 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
  - b. Failure to Report Inappropriate Conduct
    - i. Not all inappropriate conduct may meet the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behavior with the risk of escalating to Maltreatment. Any Participant who suspects or becomes aware of another Participant’s inappropriate conduct, even if it is not defined as Maltreatment, has a Duty to Report such inappropriate conduct through our 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 this organization’s policies and procedures. The person making the report does not need to determine whether a violation took place: instead, the responsibility lies in reporting the objective behaviour.
  - c. Intentionally Filing a False Allegation

- i. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur
  - ii. 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 violation
- 9. **\*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. (Neglect is also a prohibited behaviour listed under the definition of Maltreatment)
- 10. **\*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. (Physical Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
- 11. **\*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).
- 12. **\*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. (Psychological Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
- 13. **\*Sexual Maltreatment**
  - a) **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. (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
  - b) **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). (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)



14. **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:
- a) Bullying;
  - b) Workplace pranks, vandalism, bullying or hazing.
  - c) Repeated offensive or intimidating phone calls or emails;
  - d) Inappropriate sexual touching, advances, suggestions or requests;
  - e) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
  - f) Psychological abuse;
  - g) Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
  - h) Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - i) Sabotaging someone else's work or performance;
  - j) Gossiping or spreading malicious rumours;
  - k) Intimidating words or conduct (offensive jokes or innuendos); and
  - l) Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.
15. **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:
- a) Verbal or written threats to attack;
  - b) Sending to or leaving threatening notes or emails;
  - c) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects.
  - d) Wielding a weapon in a Workplace;
  - e) Hitting, pinching or unwanted touching which is not accidental;
  - f) Dangerous or threatening horseplay;
  - g) Physical restraint or confinement;
  - h) Blatant or intentional disregard for the safety or wellbeing of others;
  - i) Blocking normal movement or physical interference, with or without the use of equipment;
  - j) Sexual assault; and
  - k) Any attempt to engage in the type of conduct outlined above

## DEFINITIONS – POLICY

*The terms defined below apply to all policies included in this Safe Sport Manual*

\* Indicates a definition adapted from the UCCMS

1. **Affected Party** – Any individual or entity, as determined by the Appeal Chairperson who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right
2. **Appellant** – The Party appealing a decision
3. **Appeal Chairperson** – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*
4. **\*Athlete** – An individual who is an Athlete Participant in Softball NS who is subject to the UCCMS and the policies of Softball Nova Scotia
5. **Board** – The Board of Directors of Softball Nova Scotia
6. **Appeal Manager** – An independent individual (or individuals) appointed by Softball Nova receive and administer complaints under the *Discipline and Complaints Policy*
7. **Committee Member** – an individual elected or appointed to a committee of Softball Nova Scotia
8. **\*Complainant** – A Participant or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*
9. **Days** – Days including weekends and holidays
10. **Director** – An individual appointed or elected to the Board of Directors of Softball Nova Scotia
11. **Discipline Chair** – an individual appointed to handle the duties of the Discipline Chair as described in the *Discipline and Complaints Policy*.
12. **Event** – An event sanctioned by Softball Nova Scotia
13. **\*Minor** – Any Participant who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor. For the purpose of protection in each Canadian province and territory, a Minor is a child younger than the following age:
  - a. 19 years old: Nova Scotia.
14. **\*Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws who are subject to the UCCMS and the policies of Softball Nova Scotia, as well as all people employed by, contracted by, or engaged in activities with, Softball Nova Scotia including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
15. **Parties** – the groups involved with a dispute. In the *Discipline and Complaints Policy*, the Parties are the Complainant and Respondent. In the *Appeal Policy*, the Parties are the Appellant, Respondent, and any Affected Party
16. **Person in Authority** – Any Participant who holds a position of authority within Softball Nova Scotia including, but not limited to, employees, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers
17. **\*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, such as a Case Manager, 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.

18. **\*Respondent** – The Participant responding to a complaint or, in the case of an appeal, the body whose decision is being appealed.
19. **Social Media** – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.
20. **Vulnerable Participants** – Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority);
21. **Worker** – Any person who performs work for Softball Nova Scotia including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors.
22. **Workplace** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions

## SAFE SPORT POLICY

\* Indicates a section that has been adapted from the UCCMS

### Purpose

1. This Policy describes how Softball Nova Scotia aims to provide a safe sport environment.

### Commitment to True Sport Principles

2. Softball Nova Scotia commits to the True Sport Principles which are:
  - a) **Go for It** – Rise to the challenge – always strive for excellence. Discover how good you can be.
  - b) **Play Fair** – Play honestly – obey both the letter and spirit of the rules. Winning is only meaningful when competition is fair.
  - c) **Respect Others** – Show respect for everyone involved in creating your sporting experience, both on and off the field. Win with dignity and lose with grace.
  - d) **Keep it Fun** – Find the joy of sport. Keep a positive attitude both on and off the field.
  - e) **Stay Healthy** – Place physical and mental health above all other considerations – avoid unsafe activities. Respect your body and keep in shape.
  - f) **Include Everyone** – Share sport with others. Ensure everyone has a place to play.
  - g) **Give Back** – Find ways to show your appreciation for the community that supports your sport and helps make it possible.

### Commitment to a Sport Environment Free from Maltreatment

3. \* Softball Nova Scotia makes the following commitments to a sport environment free from Maltreatment:
  - a) All Participants in sport can expect to play, practice and compete, work, and interact in an environment free from Maltreatment.
  - b) 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.
  - c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other Participants.
  - d) Adult Participants have a specific ethical and statutory duty and the additional responsibility to respond to incidents of Maltreatment involving Minors and other Vulnerable Participants.
  - e) 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.
  - f) 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.
  - g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.
  - h) 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

### Pledge

4. The stakeholders, members, and leaders of Softball Nova Scotia are expected to live the True Sport Principles and Softball Nova Scotia pledges to embed the True Sport Principles in its governance and operations in the following ways:

- a) Conduct Standards – Softball Nova Scotia will adopt comprehensive conduct standards that are expected to be followed by Participants
- b) Athlete Protection – Softball Nova Scotia will provide coaches and other stakeholders with general and sport-specific athlete protection guidelines
- c) Dispute Resolution and Investigations – Softball Nova Scotia will have dispute resolution processes that are confidential and procedurally fair and that require independent investigation for certain alleged violators of the conduct standards
- d) Strategy – Softball Nova Scotia will have strategic plans that reflect the organization’s mission, vision, and values
- e) Governance – Softball Nova Scotia will have a diverse blend of sport leaders and will adhere to principles of good governance
- f) Risk Management – Softball Nova Scotia will intentionally manage risks to their operations and events through the use of risk management plans and/or risk registries

### **Conduct Standards**

5. Softball Nova Scotia will adopt a *Code of Conduct and Ethics* that describes standards of conduct and behaviour for all Participants. General standards of conduct will apply to all Participants and specific standards will be described for positions within the organization. The *Code of Conduct and Ethics* will have specific sections, including but not limited to:
  - a) Athletes
  - b) Coaches
  - c) Officials
  - d) Directors and Committee Members
  - e) Parents and Spectators
6. The *Code of Conduct and Ethics* will contain detailed definitions of key terms, including:
  - a) Harassment
  - b) Maltreatment
  - c) Workplace Harassment
  - d) Workplace Violence
  - e) Discrimination
7. The *Code of Conduct and Ethics* will include the following definition of Hazing:
  - a) Hazing is a form of conduct that exhibits a 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
8. Softball Nova Scotia will adopt an *Abuse Policy* that will define “vulnerable individuals” and describe the types of abuse (e.g., Physical Abuse, Sexual Abuse, Emotional Abuse, and Neglect) that Vulnerable Participants may be subjected to.

### *Anti-Doping*

9. The *Code of Conduct and Ethics* will indicate that Softball Nova Scotia adopts and adheres to the Canadian Anti-Doping Program
10. Softball Nova Scotia will adopt an *Anti-Doping Policy* that further clarifies their commitment to drug-free

sport.

## Social Media

11. Softball Nova Scotia will adopt a *social media Policy* that describes standards of conduct that are expected on social media by Participants. The *Social Media Policy* will indicate specific conduct standards and risks that are common and/or exclusive to social media. The *Social Media Policy* will highlight the importance of responsible coach-athlete interaction on social media and will provide examples of violations of conduct standards.

## Athlete Protection

### Screening

12. Softball Nova Scotia will adopt a comprehensive *Screening Policy* that requires some Participants to pass a screening process before being permitted to interact with athletes. The *Screening Policy* will:
- Categorize positions in the organization as ‘Low Risk’, ‘Medium Risk’, and ‘High Risk’ and require progressive screening measures for individuals serving in each category of risk
  - Describe how frequently some Participants must obtain a police records check and which type of check(s) they must obtain
  - Describe how frequently some Participants must submit Screening Disclosure Forms and Screening Renewal Forms
  - Empower a Screening Committee to prohibit Participants who do not pass screening from participating in certain positions
  - Empower a Screening Committee to attach conditions to a Participant’s participation in certain positions
13. Softball Nova Scotia will develop an *Athlete Protection Policy* that can be used by coaches, managers, medical personnel, and other Persons in Authority. Softball Nova Scotia may provide training on the policy and take steps to ensure the policy is being implemented. Softball Nova Scotia will conduct a regular review of the policy to add and/or modify new content as appropriate.

### Resources

14. Softball Nova Scotia will regularly provide information to Participants about resources and training related to athlete protection. Resources and training opportunities can include:
- [CAC Safe Sport Training](#)
  - [NCCP modules](#)
  - [Respect in Sport](#)
  - [Commit to Kids](#)
  - [Red Cross – Respect Education Courses](#)

### Athlete Engagement

15. Softball Nova Scotia will engage with athletes to determine the level of success of their athlete protection measures as well as to identify any gaps or athlete concerns. This engagement may take the form of:
- Anonymous athlete surveys
  - Athlete involvement in organizational decision-making
  - Independently led athlete outreach consultations

## Dispute Resolution

16. Softball Nova Scotia will have a comprehensive suite of dispute resolution policies that will include:
- Discipline and Complaints Policy
  - Appeal Policy
  - Dispute Resolution Policy

17. Taken together, the suite of dispute resolution policies will include the following features:
- a) An independent individual to whom complaints can be submitted
  - b) Sanctions for violations of conduct standards
  - c) Mechanism for suspension of individuals pending the conclusion of the process
  - d) Non-biased and experienced case managers, decision-makers and/or investigators
  - e) Protection from reprisal for submitting complaints
  - f) Anonymity for the complainant in cases of whistleblowers
  - g) Independency of appeal procedures (when appeals are permitted)
  - h) Opportunity for alternate dispute resolution
  - i) Investigations of certain complaints (e.g., when required by law and/or when the complaint involves harassment, abuse, or discrimination)
  - j) In-event discipline procedures (when an event does not have its own disciplinary procedures)

#### *Alignment*

18. Softball Nova Scotia recognizes the importance of safe sport for athletes and participants across the country. Softball Nova Scotia requires:
- a) Local Associations/clubs /leagues to report discipline decisions to Softball Nova Scotia,
  - b) The distribution of discipline decisions to all Local Associations/clubs /leagues.
  - c) Softball Nova Scotia Local Associations to recognize and enforce sanctions imposed by Softball Nova Scotia

#### *Obligations – Reporting and Third-Party*

19. The policies of Softball Nova Scotia will include requirements that certain complaints must be reported to government entities, local police forces, and/or child protection agencies.
20. The policies of Softball Nova Scotia will include requirements that certain complaints (e.g., those related to harassment, discrimination, and abuse) should be handled by an independent third party that has no affiliation with Softball Nova Scotia.

#### *Records*

21. Softball Nova Scotia will retain records of decisions that have been made pursuant to its organization's policies. These records may be shared with other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, multi-sport organizations, and government entities.

#### **Governance and Operations**

22. Softball Nova Scotia will have a comprehensive Strategic Plan in which athlete protection and safe sport are top priorities for the organization.
23. Softball Nova Scotia will adopt a Conflict of Interest Policy that will guide decision-makers and ensure that conflicts are declared before a decision is made.
24. Softball Nova Scotia will adopt an Equity and Inclusion Policy that will encourage inclusion, equity and access in their administration, policies, programs, and activities and provide Under-Represented Groups with a full and equitable range of opportunities to participate and lead.
25. Softball Nova Scotia will pursue a governance structure that reflects the diversity of the athletes and stakeholders within the sport, that adheres to all applicable federal and/or provincial/territorial legislation, and that moves toward a national alignment strategy for the sport in Canada.
26. Softball Nova Scotia will continually monitor and evaluate its policies, practices, and procedures.

# SCREENING POLICY

## Preamble

Softball Nova Scotia understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provides programs and services to the community.

## Definitions

1. The following terms have these meanings in this Policy:

a) **“Criminal Record Check (CRC)”** – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions

b) **“RCMP or HRP (Halifax Regional Police)”** – additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought

c) **“Vulnerable Sector Check (VSC)”** – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database

d) **“Vulnerable Individuals”** – A person under the age of 18 years old and/or a person who, because of age, disability, or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority

Preamble

## Application of this Policy

2. This Policy applies to all individuals whose position with Softball Nova Scotia is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Individuals.

3. Not all Individuals associated with the Softball NS will be required to undergo screening through this Policy because not all positions pose a risk of harm to the organization or to its participants. Softball Nova Scotia, at a minimum, has determined the following Individuals are subject to screening in accordance with this Policy additional positions can be added at the discretion of the Board of Directors.

4. The implementation of this policy is the responsibility of Softball Nova Scotia Executive Director. Softball Nova Scotia will ensure that the Executive Director will possess the requisite skills, knowledge and abilities to accurately screen documents and render decisions under this Policy.

5. The Executive Director is responsible for reviewing all documents submitted and based on the review, making decisions regarding the appropriateness of individuals filling positions within the



Softball Nova Scotia In carrying out its duties, the Executive Director may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

## Screening Requirements

6. Criminal Record Check & Vulnerable Sector Checks screening are valid for a period of three years., Softball Nova Scotia may request that an Individual Criminal Record Check & Vulnerable Sector Check

7. Screening Disclosure for review and consideration at any time. Such request will be in writing.

- Obtaining Consent for the Checks- Volunteers requesting a letter for Criminal Record Check and Vulnerable Sector check contact Softball Nova Scotia Executive Director.
- Criminal Record Checks & Vulnerable Sector checks can be completed at your local police or RCMP detachment. Individuals can only have their checks conducted in the location in which they reside.
- Criminal record checks and Vulnerable Sector checks will be confidentially maintained by Softball Nova Scotia and will not be disclosed to others.

## Process

8. Individuals may only obtain a Criminal Record Check or Vulnerable Sector Check by visiting an RCMP office or police station.

- submitting two pieces of government-issued identification (one of which must be a photo) and completing any required paperwork.
- Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
- Softball Nova Scotia understands that it may be required to assist an individual with obtaining a Criminal Record Check & Vulnerable Sector Check.
- Softball Nova Scotia may need to provide the letter of confirmation describing the nature of the organization and the individual's role with the Request for Criminal Record Check & Vulnerable Sector Check.

Screened documents must be submitted Softball Nova Scotia Executive Director at

[softballns@sportnovascotia.ca](mailto:softballns@sportnovascotia.ca)

9. Softball Nova Scotia Executive Director will be responsible for receiving and reviewing all submitted documentation.

- all submitted documents which trigger a positive response will- Approve an Individual's position; or
- all submitted documents which trigger a positive response will - Deny an Individual's position.

10. The screening process for all volunteers, coaches, managers will consist of a variety of measures and includes a Vulnerable Sector Check (which also encompasses a Criminal Record Check).

- a) Softball Nova Scotia policy that Individuals will be screened using the Screening Disclosure Form provided by RCMP or HRP (Halifax Regional Police)
- b) Failure to participate in the screening process as outlined in this policy will result in the Individual's ineligibility for the position sought.
- c) If an Individual subsequently receives a conviction for, or is found guilty of, an offense they will report this circumstance immediately to the Softball Nova Scotia.
- d) If an Individual provides falsified or misleading information, the Individual will immediately be removed from their Association position and may be subject to further discipline in accordance with the Association's Discipline and Complaints Policy.

# ATHLETE PROTECTION POLICY

## Purpose

1. This Policy describe how Persons in Authority can maintain a safe sport environment for Athletes.

## Interactions between Persons in Authority and Athletes

2. For interactions between Persons and Authority and Athletes, Softball Nova Scotia strongly recommends the 'Rule of Two' for all Persons in Authority who interact with athletes. The 'Rule of Two' is a directive that says that an athlete must never be alone one-on-one with an unrelated Person in Authority.
3. Softball Nova Scotia recognizes that fully implementing the 'Rule of Two' in all circumstances may not be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) Transparent
    - i. Encourage parents to appropriately support their children's involvement
    - ii. Allow the training environment to be open to observation by parents. Ensure an open and observable environment for all interactions between Persons in Authority and athletes. This could include leaving the door open when having a meeting, moving away from others in a public space but staying within eyesight.
    - iii. Avoid private or one-on-one situations unless they are open and observable by another adult or athlete.
  - b) Authorized
    - i. Limit any situation when a Person in Authority is alone with an athlete
    - ii. Ensure Persons in Authority do not invite or have an athlete(s) in the home without the written permission of the athlete's parent or guardian
    - iii. Ensure athletes do not find themselves in a situation where they are alone with a Person in Authority without another screened adult or athlete present unless prior written permission is obtained from the athlete's parent or guardian
    - iv. When only one athlete and Person in Authority travel to a competition, at the competition the Person in Authority and athlete should attempt to establish a "buddy" club to associate with during the competition and away from the venue
  - c) Accountable
    - i. If a situation arises where an interaction that breaks the spirit of the 'Rule of Two' arises, Persons in Authority should make themselves accountable by reporting it to a staff or volunteer supervisor

## Practices and Competitions

4. Softball Nova Scotia strongly recommends:
  - a) Teams or groups of athletes will always have at least two Persons in Authority with them
  - b) For mixed gender teams or groups of athletes, there will be one Person in Authority from each gender identity
  - c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present

- d) A Person in Authority should never be alone with an athlete prior to or following a competition or practice, unless the Person in Authority is the athlete's parent or guardian. If the athlete is the first athlete to arrive, the athlete's parent should remain until another athlete or Person in Authority arrives. Similarly, if an athlete would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another athlete) to stay until all the athletes have been picked up. If an adult is not available, then another athlete should be present in order to avoid the Person in Authority being alone with a single athlete
- e) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual athlete should always be doing so within earshot and eyesight of another Person in Authority

### **Communications**

5. Softball Nova Scotia will strongly recommend the following communication guidelines for all Persons in Authority who interact with athletes:
  - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and athletes
  - b) Persons in Authority may only send personal texts, direct messages on social media or emails to individual athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone
  - c) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such communication occurs, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian (when the Athlete is a Vulnerable Participant)
  - d) Parents and guardians have the right to request that their child not be contacted by Persons in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communications
  - e) All communication between Persons in Authority and athletes must be between the hours of 6:00am and midnight unless extenuating circumstances exist
  - f) No communication concerning drugs or alcohol use (unless regarding its prohibition) is permitted
  - g) No sexually explicit language or imagery or sexually oriented conversation is permitted
  - h) Persons in Authority are not permitted to ask athletes to keep a secret for them
  - i) A Person in Authority should not become overly-involved in an athlete's personal life

### **Travel**

Softball Nova Scotia will strongly recommend the following travel guidelines for all Persons in Authority who travel with athletes:

- a) No Person in Authority may drive an athlete alone unless the Person in Authority is the athlete's parent or guardian
- b) A Person in Authority may not share a room or be alone in a hotel room with an athlete unless the Person in Authority is the athlete's parent or guardian
- c) Room or bed checks during overnight stays must be done by two Persons in Authority
- d) For overnight travel when athletes must share a hotel room, roommates will be age-appropriate (e.g., within 2 years of age) and of the same gender identity

### **Locker Room / Changing Areas**

6. Softball Nova Scotia will strongly recommend the following guidelines for the locker room, changing area, and meeting rooms:
  - a) Interactions (i.e., conversation) between Persons in Authority and athletes should not occur in any room where there is a reasonable expectation of privacy such as the locker room, restroom or changing area.

A second adult should be present for any necessary interaction between an adult and an athlete in any such room (e.g., adhering to the Rule of Two).

- b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, including but not limited to team communications and/or emergency

### **Photography / Video**

- 7. Softball Nova Scotia will strongly recommend the following photography / video guidelines and the use of an Image Consent Form (**Appendix A – Image Consent Form**):
  - a) Parents/guardians should sign an image release form (i.e., as part of the registration process) that describes how an athlete’s image may be used by Softball Nova Scotia
  - b) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the athlete.
  - c) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
  - d) Examples of photos that should be edited or deleted include:
    - i. Images with misplaced apparel or where undergarments are showing
    - ii. Suggestive or provocative poses
    - iii. Embarrassing images

### **Physical Contact**

- 8. Softball Nova Scotia understands that some physical contact between Persons in Authority and athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. Softball Nova Scotia will strongly recommend the following touch guidelines:
  - a) Unless it is not possible because of serious injury or other circumstance, a Person in Authority should always clarify with an athlete where and why any touch will occur. The Person in Authority must make clear that he or she is *requesting* to touch the athlete and not *requiring* the physical contact
  - b) Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the athlete during a training session, is permitted
  - c) Making amends, such as an apology or explanation, is encouraged to further help educate athletes on the difference between appropriate and inappropriate contact
  - d) Hugs lasting longer than 5 seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. Softball Nova Scotia is aware that some athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying after a poor performance), but this physical contact should always be limited to circumstances where the Person in Authority believes it is in the best interest of the athlete.

## Appendix A – Image Consent Form

1. I hereby grant to Softball Nova Scotia (collectively the “Organizations”) on a worldwide basis, the permission to photograph and/or record the Participant’s image and/or voice on still or motion picture film and/or audio tape (collectively the “Images”), and to use the Images to promote the sport and/or Softball Nova Scotia through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity.
2. I hereby fully release, discharge, and agree to save harmless Softball Nova Scotia for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriate of personality or invasion of privacy.
3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs, and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signed at this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Print Name of Participant: \_\_\_\_\_

Signature of Participant: \_\_\_\_\_

Signature of Parent/Guardian (if Participant is younger than the age of majority):

\_\_\_\_\_

# CODE OF CONDUCT AND ETHICS

## Purpose

1. The purpose of this Code is to ensure a safe and positive environment (within Softball Nova Scotia programs, activities, and events) by making Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with Softball Nova Scotia core values. Softball Nova Scotia supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

## Application of this Code

2. This Code applies to Participants' conduct during Softball Nova Scotia business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Softball Nova Scotia activities, Softball Nova Scotia office environment, and any meetings.
3. A Participant who violates this Code may be subject to sanctions pursuant to Softball Nova Scotia Discipline and Complaints Policy. In addition to facing possible sanction pursuant to Softball Nova Scotia Discipline and Complaints Policy, a Participant who violates this Code during a competition may be ejected from the competition or the playing area, the official may delay the competition until the Participant complies with the ejection, and the Participant may be subject to any additional discipline associated with the competition.
4. \*This Code applies to Participants active in the sport or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Participant was active in the sport.
5. An employee of Softball Nova Scotia found to have engaged in acts of violence or harassment against any other employee, worker, contractor, member, customer, supplier, client or other third party during business hours, or at any event of Softball Nova Scotia, will be subject to appropriate disciplinary action subject to the terms of any of Softball Nova Scotia relevant and applicable policies as well as the employee's Employment Agreement (if applicable).
6. This Code also applies to Participants' conduct outside of Softball Nova Scotia business, activities, and events when such conduct adversely affects relationships within Softball Nova Scotia (and its work and sport environment) and is detrimental to the image and reputation of Softball Nova Scotia. Such applicability will be determined by Softball Nova Scotia at its sole discretion.

## Persons in Authority and Maltreatment

7. \*When they are a Person in Authority, Participants are 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.
8. \*Maltreatment can be any of the prohibited behaviours and conduct, provided the Maltreatment occurs in any one or a combination of the following situations (The physical location(s) where the alleged Maltreatment occurred is not determinative):
  - a) Within a sport environment;
  - b) When the Participant alleged to have committed Maltreatment was engaging in sport activities;
  - c) When the Participants involved interacted due to their mutual involvement in sport; or

- d) Outside of the sport environment where the Maltreatment has a serious and detrimental impact on another Participant.
9. \*It is a violation of the Code for sport administrators or other Persons in 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 Maltreatment, assigning guides and other support staff to a para-Athlete when the guide or support staff has a reputation for Maltreatment or assigning such a guide or support staff to a para-Athlete in the absence of consultation with the para-Athlete.

### **Responsibilities**

10. Participants have a responsibility to:
- a) Maintain and enhance the dignity and self-esteem of Softball Nova Scotia 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, Maltreatment, Workplace Violence, or Discrimination
  - c) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, Softball Nova Scotia adopts and adheres 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 Softball Nova Scotia *Discipline and Complaints Policy*. Softball Nova Scotia will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Softball Nova Scotia 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, or recreational drugs while participating in Softball Nova Scotia programs, activities, competitions, or at event venues
  - 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 Softball Nova Scotia events (subject to any requirements for accommodation), not consume alcohol during games and in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with Softball Nova Scotia events
  - i) Respect the property of others and not wilfully cause damage
  - j) Promote the sport in the most constructive and positive manner possible
  - k) When driving a vehicle:
    - i. Not have his or her license suspended;
    - ii. Not be under the influence of alcohol, cannabis, other substances or illegal drugs; 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 Softball Nova Scotia bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

### **Directors, Committee Members, and Staff**

11. In addition to section 10 (above), Softball Nova Scotia Directors, Committee Members, and Staff will have additional responsibilities to:

- a) Function primarily as a Director or Committee Member or Staff Member of Softball Nova Scotia; not as a member of any other member or constituency
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of Softball Nova Scotia business and the maintenance of Participants' confidence
- c) Ensure that Softball Nova Scotia financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
- d) Conduct themselves transparently, professionally, lawfully and in good faith in the best interests of Softball Nova Scotia
- e) Be independent, impartial, and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
- f) Behave with decorum appropriate to both circumstance and position
- g) Keep informed about Softball Nova Scotia activities, the sport community, and general trends in the sectors in which it operates
- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which Softball Nova Scotia is incorporated
- 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 of Softball Nova Scotia governing documents
- m) Conform to the bylaws and policies approved by Softball Nova Scotia

### **Coaches**

12. In addition to section 10 (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) \*Avoid any behaviour that abuses the Power Imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an Athlete that he or she is coaching, or (ii) encourage inappropriate physical or emotional intimacy with an Athlete, regardless of the Athlete's age
- b) 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
- c) 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
- d) 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

- e) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs
- f) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
- g) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- h) Act in the best interest of the athlete's development as a whole person
- i) Comply with Softball Nova Scotia *Screening Policy*, if applicable
- j) Report to Softball Nova Scotia any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
- k) 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
- l) 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
- m) Not engage in a sexual relationship with an athlete under the age of majority;
- n) Disclose any sexual or intimate relationship with an athlete over the age of majority to Softball Nova Scotia and immediately discontinue any coaching involvement with that athlete;
- o) 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
- p) Dress professionally, neatly, and inoffensively
- q) Use inoffensive language, taking into account the audience being addressed

### **Athletes**

13. In addition to section 10 (above), athletes will have additional responsibilities to:

- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
- c) 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
- d) Adhere to Softball Nova Scotia rules and requirements regarding clothing and equipment
- e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators
- f) Dress to represent the sport and themselves well and with professionalism
- g) Act in accordance with Softball Nova Scotia policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

14. In addition to section 10 (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes
- b) Work within the boundaries of their position's description while supporting the work of other officials
- c) Act as an ambassador of Softball Nova Scotia by agreeing to enforce and abide by national and provincial rules and regulations
- d) Take ownership of actions and decisions made while officiating

- e) Respect the rights, dignity, and worth of all Participants
- f) Not publicly criticize other officials or any club or Softball Nova Scotia
- g) Act openly, impartially, professionally, lawfully, and in good faith
- h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- i) 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 Participants
- j) 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
- k) When writing reports, set out the actual facts
- l) Dress in proper attire for officiating

**Parents/Guardians and Spectators**

15. In addition to section 10 (above), parents/guardians and spectators at events will:

- a) Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
- b) Condemn the use of violence in any form
- c) Never ridicule a participant for making a mistake during a performance or practice
- d) Provide positive comments that motivate and encourage participants' continued effort
- e) Respect the decisions and judgments of officials, and encourage athletes to do the same
- f) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- g) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
- h) Not harass competitors, coaches, officials, parents/guardians, or other spectators

# ABUSE POLICY

## Purpose

1. Softball Nova Scotia is committed to a sport environment free from abuse. The purpose of this Policy is to stress the importance of that commitment by educating Participants about abuse, outlining how Softball Nova Scotia will work to prevent abuse, and how abuse or suspected abuse can be reported to and addressed by Softball Nova Scotia.

## Zero Tolerance Statement

2. Softball Nova Scotia has zero tolerance for any type of abuse. Participants are required to report instances of abuse or suspected abuse to Softball Nova Scotia to be immediately addressed under the terms of the applicable policy.

## Education – What is Abuse

3. Vulnerable Participants can be abused in different forms.
4. The following description of Child / Youth Abuse has been modified and adapted from Ecclesiastical's Guidelines for Developing a Safety & Protection Policy for Children / Youth / Vulnerable Adults:

### *Child / Youth Abuse*

5. "Child abuse" refers to the violence, mistreatment or neglect that a child or adolescent may experience while in the care of someone they depend on or trust. There are many different forms of abuse and a child may be subjected to more than one form:
  - a) **Physical abuse** involves single or repeated instances of deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon. It also includes holding a child under water, or any other dangerous or harmful use of force or restraint.
  - b) **Sexual abuse** and exploitation involve using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.
  - c) **Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and well being. For example, neglect includes failing to provide a dependent child with food, clothing, shelter, cleanliness, medical care, or protection from harm.
  - d) **Emotional abuse** involves harming a child's sense of self-worth. It includes acts (or omissions) that result in, or place a child at risk of, serious behavioural, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes exposing the child to violence.
6. An abuser may use a number of different tactics to gain access to children, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. The abuse may happen once, or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.
7. Abuse of children or youth in sport can include emotional maltreatment, neglect, and physical maltreatment.

- a) **Emotional Maltreatment** – A coach’s failure to provide a developmentally-appropriate and supportive environment. Emotional abuse is at the foundation of all other forms of maltreatment (sexual, physical and neglect). In sports, this conduct has the potential to cause emotional or psychological harm to an athlete when it is persistent, pervasive or patterned acts (i.e., yelling at an athlete once does not constitute maltreatment). Examples of emotional maltreatment include:
- i. Refusal to recognize an athlete’s worth or the legitimacy of an athlete’s needs (including complaints of injury/pain, thirst or feeling unwell)
  - ii. Creating a culture of fear, or threatening, bullying or frightening an athlete
  - iii. Frequent name-calling or sarcasm that continually “beats down” an athlete’s self-esteem
  - iv. Embarrassing or humiliating an athlete in front of peers
  - v. Excluding or isolating an athlete from the group
  - vi. Withholding attention
  - vii. Encouraging an athlete to engage in destructive and antisocial behaviour, reinforcing deviance, or impairing an athlete’s ability to behave in socially appropriate ways
  - viii. Over-pressuring; whereby the coach imposes extreme pressure upon the athlete to behave and achieve in ways that are far beyond the athlete’s capabilities
  - ix. Verbally attacking an athlete personally (e.g., belittling them or calling them worthless, lazy, useless, fat or disgusting).
  - x. Routinely or arbitrarily excluding athletes from practice
  - xi. Using conditioning as punishment
  - xii. Throwing sports equipment, water bottles or chairs at, or in the presence of, athletes
  - xiii. Body shaming – making disrespectful, hurtful or embarrassing comments about an athlete’s physique
- b) **Neglect** - acts of omission (i.e., the coach should act to protect the health/well-being of an athlete but does not). Examples of neglect include:
- i. Isolating an athlete in a confined space or stranded on equipment, with no supervision, for an extended period
  - ii. Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep
  - iii. Ignoring an injury
  - iv. Knowing about sexual abuse of an athlete but failing to report it
- c) **Physical Maltreatment** - involves contact or non-contact behaviour that can cause physical harm to an athlete. It also includes any act or conduct described as physical abuse or misconduct (e.g., child abuse, child neglect and assault). Almost all sport involves strenuous physical activity. Athletes regularly push themselves to the point of exhaustion. However, any activity that physically harms an athlete—such as extreme disciplinary actions or punishment—is unacceptable. Physical maltreatment can extend to seemingly unrelated areas including inadequate recovery times for injuries and restricted diet. Examples of physical maltreatment include:
- i. Punching, beating, biting, striking, choking or slapping an athlete
  - ii. Intentionally hitting an athlete with objects or sporting equipment
  - iii. Providing alcohol to an athlete under the legal drinking age
  - iv. Providing illegal drugs or non-prescribed medications to any athlete
  - v. Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury (e.g., a concussion)
  - vi. Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of an athlete
  - vii. Forcing an athlete to assume a painful stance or position for no athletic purpose, or excessive repetition of a skill to the point of injury
  - viii. Using excessive exercise as punishment (e.g., stretching to the point of causing the athlete to cry, endurance conditioning until the athlete vomits)

8. Importantly, emotional and physical maltreatment does not include professionally-accepted coaching methods (per the NCCP) of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.
9. Potential warning signs of abuse of children or youth can include:
  - a) Recurrent unexplained injuries
  - b) Alert behaviour; child seems to always be expecting something bad to happen
  - c) Often wears clothing that covers up their skin, even in warm weather
  - d) Child startles easily, shies away from touch or shows other skittish behaviour
  - e) Constantly seems fearful or anxious about doing something wrong
  - f) Withdrawn from peers and adults
  - g) Behavior fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
  - h) Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
  - i) Acting out in an inappropriate sexual way with toys or objects
  - j) New adult words for body parts and no obvious source
  - k) Self-harm (e.g., cutting, burning or other harmful activities)
  - l) Not wanting to be alone with a particular child or young person

#### *Vulnerable Adult Abuse*

10. Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age, or old age – the nature and consequences of abuse may differ depending on an individual's situation, disability, or circumstance.
11. Abuse of vulnerable adults is often described as a misuse of power and a violation of trust. Abusers may use a number of different tactics to exert power and control over their victims. Abuse may happen once, or it may occur in a repeated and escalating pattern over months or years. The abuse may take many different forms, which may change over time:
  - a) **Psychological abuse** includes attempts to dehumanize or intimidate vulnerable adults. Any verbal or non-verbal act that reduces their sense of self-worth or dignity and threatens their psychological and emotional integrity is abuse. This type of abuse may include, for example
    - i. Threatening to use violence
    - ii. Threatening to abandon them
    - iii. Intentionally frightening them
    - iv. Making them fear that they will not receive the food or care they need
    - v. Lying to them
    - vi. Failing to check allegations of abuse against them
  - b) **Financial abuse** encompasses financial manipulation or exploitation, including theft, fraud, forgery, or extortion. It includes using a vulnerable adult's money or property in a dishonest manner or failing to use a vulnerable adult's assets for their welfare. Abuse occurs any time someone acts without consent in a way that financially or personally benefits one person at the expense of another. This type of abuse against a vulnerable adult may include, for example:
    - i. Stealing their money, disability cheques, or other possessions
    - ii. Wrongfully using a Power of Attorney
    - iii. Failing to pay back borrowed money when asked

- c) **Physical abuse** includes any act of violence – whether or not it results in physical injury. Intentionally inflicting pain or injury that results in either bodily harm or mental distress is abuse. Physical abuse may include, for example:
  - i. Beating
  - ii. Burning or scalding
  - iii. Pushing or shoving
  - iv. Hitting or slapping
  - v. Rough handling
  - vi. Tripping
  - vii. Spitting
  
- d) All forms of sexual abuse are also applicable to vulnerable adults

12. Potential warning signs of abuse of vulnerable adults can include:

- a) Depression, fear, anxiety, passivity
- b) Unexplained physical injuries
- c) Dehydration, malnutrition, or lack of food
- d) Poor hygiene, rashes, pressure sores
- e) Over-sedation

### **Preventing Abuse**

13. Softball Nova Scotia will enact measures aimed at preventing abuse. These measures include screening, orientation, training, practice, and monitoring.

#### *Screening*

- 14. Persons in Authority who coach, volunteer, officiate, deliver developmental programs, or who accompany a team to an event or competition, who are paid staff, or otherwise engage with Vulnerable Participants who fall under Softball Nova Scotia authority shall be screened according to the organization's *Screening Policy*.
  
- 15. Softball Nova Scotia will use the *Screening Policy* to determine the level of trust, authority, and access that each Person in Authority has with Vulnerable Participants. Each level of risk will be accompanied by increased screening procedures which may include the following, singularly or in combination:
  - a) Completing an Application Form for the position sought (which includes alerting Person in Authority that they must agree to adhere with the organization's policies and procedures (including this *Abuse Policy*))
  - b) Completing a Screening Declaration Form
  - c) Providing letters of reference
  - d) Providing a Criminal Record Check ("CRC") and/or Vulnerable Sector Check ("VSC")
  - e) Providing a driver's abstract (for Persons in Authority who transport Vulnerable Participants)
  - f) Other screening procedures, as required
  
- 16. A Person in Authority's failure to participate in the screening process or pass the screening requirements as determined by a Screening Committee, will result in the Person in Authority's ineligibility for the position sought.

#### *Orientation and Training*

- 17. Softball Nova Scotia will deliver orientation and training to those Persons in Authority who have access to, or interact with, Vulnerable Participants. The orientation and training, and their frequency, will be based on the level of risk, as described in the *Screening Policy*.

18. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or period of engagement.
19. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
20. At the conclusion of the orientation and training, Softball Nova Scotia will maintain a record that the Person in Authority has received and completed the training.

#### *Practice*

21. When Persons in Authority interact with Vulnerable Participants, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:
  - a) Limiting physical interactions to non-threatening or non-sexual touching (e.g., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
  - b) Ensuring that Vulnerable Participants are always supervised by more than one Person in Authority
  - c) Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power onto one Person in Authority)
  - d) Ensuring that all electronic communication with Vulnerable Participants is open and observable
  - e) Ensuring that parents/guardians are aware that some non-personal communication between Persons in Authority and Vulnerable Participants (e.g., coaches and athletes) may take place electronically (e.g., by texting) and that this type of communication is now considered to be commonplace, especially with older Vulnerable Participants (e.g., teenagers). Persons in Authority are aware that such communication is subject to Softball Nova Scotia *Code of Conduct and Ethics* and *social media Policy*.
  - f) When traveling with Vulnerable Participants, the Person in Authority will not transport Vulnerable Participants without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.

#### *Monitoring*

22. Softball Nova Scotia will regularly monitor those Persons in Authority who have access to, or interact with, Vulnerable Participants. The monitoring will be based on the level of risk, as described in the *Screening Policy*.
23. Monitoring may include, but is not limited to: regular status reports, logs, supervisor meetings, supervisor on-site check-ins, feedback provided directly to the organization (from peers and parents/athletes), and regular evaluations.

#### **Reporting Abuse**

24. Reports of abuse that are shared confidentially with a Person in Authority by a Vulnerable Participant may require the Person in Authority to report the incident to parents/guardians, Softball Nova Scotia or the police. Persons in Authority must respond to such reports in a non-judgemental, supportive and comforting manner but must also explain that the report may need to be escalated to the proper authority or to the Vulnerable Participant's parent/guardian.
25. Complaints or reports that describe an element of **abuse** will be addressed by the process(es) described in Softball Nova Scotia *Discipline and Complaints Policy* and the *Investigations Policy*.



## INVESTIGATIONS POLICY

\* Indicates a section that has been adapted from the UCCMS

### Determination and Disclosure

1. When a complaint is submitted in accordance with Softball Nova Scotia *Discipline and Complaints Policy*, the Discipline Manager will determine if such complaint should be investigated.
2. Softball Nova Scotia will adhere to all disclosure and reporting responsibilities required by the Government of Canada and, if applicable, any government entity, local police force, or child protection agency.

### Investigation

3. Complaints that are investigated will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Chair may also appoint an Investigator to investigate the allegations.
4. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
5. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the complaint.
6. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Complainant interviewed;
  - b) Witnesses interviewed;
  - c) Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - d) Statement delivered to Respondent;
  - e) Respondent interviewed;
  - f) Witnesses interviewed; and
  - g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

### Investigator's Report

7. In accordance with the timelines determined by the Discipline Chair, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.
8. The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
9. \*The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.

10. The Investigator's Report will be provided to the Discipline chair who will disclose it, at their discretion, to Softball Nova Scotia and/or the Discipline Panel or Discipline Chair or any other third party. A summary of the report may be provided to the parties.
11. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant to refer the matter to police. The Investigator will further inform Softball Nova Scotia that the matter should be directed to the police.
12. The Investigator must also inform Softball Nova Scotia of any findings of criminal activity. Softball Nova Scotia may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against Softball Nova Scotia, or other offences where the lack of reporting would bring Softball Nova Scotia reputation into disrepute.
13. The Discipline Chair, and/or the Discipline Panel, as applicable, shall consider the Investigator's Report, in addition to submissions from the parties, prior to deciding on the complaint.

#### **Reprisal and Retaliation**

14. \*A Participant who submits a complaint to Softball Nova Scotia or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the Discipline and Complaints Policy.

#### **False Allegations**

15. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint pursuant to the *Discipline and Complaints Policy*. In such circumstances, Softball Nova Scotia or the individual against whom the false allegations were submitted may act as the Complainant.

#### **Confidentiality**

16. The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential unless disclosure is necessary for the purpose of investigating or taking corrective action or is otherwise required by law.
17. The Discipline chair and or Discipline panel Investigators will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Softball Nova Scotia recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

## DISCIPLINE AND COMPLAINTS POLICY

### Purpose

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Softball Nova Scotia policies, By-laws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Principles

2. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.

### Application of this Policy

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during Softball Nova Scotia business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Softball Nova Scotia activities, and any meetings.
5. This Policy also applies to Participants' conduct outside of Softball Nova Scotia business, activities, and events when such conduct adversely affects relationships within Softball Nova Scotia (and its work and sport environment), is detrimental to the image and reputation of Softball Nova Scotia, or upon the acceptance of Softball Nova Scotia. Applicability or acceptance will be determined by Softball Nova Scotia at its sole discretion.
6. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
8. An employee of Softball Nova Scotia who is a Respondent will be subject to appropriate disciplinary action in accordance with any of Softball Nova Scotia applicable policies, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

### Alignment

9. Softball Nova Scotia recognizes that Participants may also be registered with local clubs/leagues and Associations. Softball Nova Scotia requires that clubs/associations/leagues and teams submit decisions rendered at it's local clubs/associations/leagues and teams level involving Participants to Softball-to-Softball Nova Scotia. Softball Nova Scotia will also advise the National Sport Organization of the decision rendered.

#### **Adult Representative**

10. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Discipline Chair, as applicable, must be directed to the minor's representative.
12. A Minor is not required to attend an oral hearing, if held.

#### **Reporting a Complaint**

13. Any current registered member of Softball NS may report a complaint to Softball Nova Scotia. If necessary, Softball Nova Scotia will appoint an independent Discipline chair and panel and direct that person to receive the complaint. If a Discipline chair and panel has not been identified Softball Nova Scotia will appoint a case manager and direct that person to receive the complaint.

**The current Independent Case Manager is Brian Ward who may be contacted as follows:**

**Tel: 613-761-8469**

**Email: [brianward@globalserve.net](mailto:brianward@globalserve.net)**

14. Softball Nova Scotia may, in its sole discretion, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Softball Nova Scotia will identify an individual representative of its organization.

#### **Discipline Chair Responsibilities**

15. Upon receipt of a complaint, the Discipline Chair has a responsibility to:
- a) Determine the appropriate jurisdiction to manage the complaint and consider the following:
    - i. Whether the complaint should move forward and be handled by Discipline panel.:
      - a. whether the incident has occurred within the business, activities or events of the Softball Nova Scotia. If the incident has occurred outside of the business, activities or events of any of these organizations, the Case Manager will determine which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident; and
      - b. if the Softball Nova Scotia is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity
    - ii. The complaint or incident should be handled by Softball Nova Scotia. Softball NS may use its own policies to resolve the dispute or may adopt this, Policy. In such instance.
  - b) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Discipline Chair decision to dismiss the complaint may not be appealed.
  - c) Propose the use of alternative dispute resolution techniques;
  - d) Determine if the alleged incident should be investigated pursuant to the *Investigations Policy*; and/or
  - e) Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:
    - a) Process #1 - the Complaint alleges the following incidents:
      - i. Disrespectful, abusive, racist, or sexist comments or behaviour

- ii. Disrespectful conduct
  - iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
  - iv. Conduct contrary to the values of Softball Nova Scotia
  - v. Non-compliance with Softball Nova Scotia policies, procedures, rules, or regulations
  - vi. Minor violations of the *Code of Conduct and Ethics*
- b) Process #2 - the Complaint alleges the following incidents:
- i. Repeated minor incidents
  - ii. Any incident of hazing
  - iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
  - v. Pranks, jokes, or other activities that endanger the safety of others
  - vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - vii. Conduct that intentionally damages Softball Nova Scotia image, credibility, or reputation
  - viii. Consistent disregard for Softball Nova Scotia bylaws, policies, rules, and regulations
  - ix. Major or repeated violations of the *Code of Conduct and Ethics*
  - x. Intentionally damaging Softball Nova Scotia property or improperly handling Softball Nova Scotia monies
  - xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
  - xii. A conviction for any *Criminal Code* offense
  - xiii. Any possession or use of banned performance enhancing drugs or methods

**Process #1: Handled by Discipline Chair**

16. The Discipline Chair will be the Executive Director, or an individual appointed by the President and the executive director of Softball Nova Scotia to handle the duties of the Discipline Chair. The Executive Director and President may choose to appoint three (3) individuals to serve as Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.
17. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation

Sanctions

18. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions and may:
- a) Recommend mediation;
  - b) Make a decision;
  - c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions
19. Thereafter, the Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).
20. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
21. Records of all sanctions will be maintained by Softball Nova Scotia.

### Request for Reconsideration

22. The sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
- Why the sanction is inappropriate.
  - Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - What penalty or sanction (if any) would be appropriate.
23. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
24. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
25. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

### **Process #2: Handled by Discipline Chair**

#### Case Manager

26. Following the determination that the complaint or incident should be handled under Process #2, the Discipline chair has a responsibility to:
- Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
  - Propose the use of Softball Nova Scotia *Dispute Resolution Policy*
  - Appoint the Discipline Panel, if necessary
  - Coordinate all administrative aspects and set timelines
  - Provide administrative assistance and logistical support to the Discipline Panel as required
  - Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### Procedures

27. If the Discipline chair determines the complaint is:
- Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
  - Not frivolous and within the jurisdiction of this Policy, the Discipline chair will notify the Parties that the complaint is accepted and of the applicable next steps
28. The Discipline chair decision to accept or dismiss the complaint may not be appealed.
29. The discipline chair will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
30. After notifying the Parties that the complaint has been accepted, the discipline chair may propose using **Softball Nova Scotia Dispute Resolution Policy** with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the discipline chair will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the discipline chair, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, Softball Nova Scotia will appoint one of the Discipline Panel's members to serve as the Chair.
31. The discipline chair, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review

of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the discipline chair and the Discipline Panel deem appropriate in the circumstances, provided that:

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

#### Decision

36. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the discipline chair, and Softball Nova Scotia. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

#### Sanctions

37. \*Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - c) The ages of the individuals involved;
  - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of Softball Nova Scotia;
  - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
  - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);

- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - j) Other mitigating and aggravating circumstances
38. \*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.
39. \*The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations
  - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Softball Nova Scotia. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
  - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Softball Nova Scotia and/or any sport organization subject to the UCCMS
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
40. \*The Discipline Chair or Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- 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 interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
41. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with Softball Nova Scotia. *Criminal Code* offences may include, but are not limited to:
- 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 interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

42. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

43. Records of all decisions will be maintained by Softball Nova Scotia.

#### Appeals

44. The decision of the Discipline Panel may be appealed in accordance with Softball Nova Scotia *Appeal Policy*.

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

45. The Executive Director and President may, after consultation and at their sole discretion, determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of a criminal process, the hearing, or a decision of the Discipline Panel. If the complaint is against either the Executive Director and President, such decision shall be made by independent Discipline Panel, upon application by the Complainant.

#### **Confidentiality**

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

#### **Timelines**

47. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

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

48. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

49. Softball Nova Scotia recognizes that a publicly available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

## **DISPUTE RESOLUTION POLICY**

### **Purpose**

1. Softball Nova Scotia supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternative Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. Softball Nova Scotia encourages all Participants to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Softball Nova Scotia believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

### **Application of this Policy**

3. This Policy applies to all Participants.
4. Opportunities for Alternative Dispute Resolution may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial, any cost incurred will be shared equally by both parties.

### **Facilitation and Mediation**

5. The dispute chair may request that the parties consider Alternative Dispute Resolution and/or mediation with the objective of resolving the dispute.
6. If all parties to a dispute agree to Alternative Dispute Resolution or mediation, the dispute chair may refer the alternate dispute resolution process to a resolution facilitator of the Sport Dispute Resolution Centre of Canada (SDRCC).
7. If all parties to a dispute agree to Alternative Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
8. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.
9. Should a negotiated decision be reached, the decision shall be reported to, and approved by Softball Nova Scotia. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending Softball Nova Scotia approval.
10. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternative Dispute Resolution, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

### **Final and Binding**

11. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

## APPEAL POLICY

### Purpose

1. Softball Nova Scotia is committed to providing an environment in which all Participants involved with Softball Nova Scotia are treated with respect and fairness. Softball Nova Scotia provides Participants with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by Softball Nova Scotia. Further, some decisions made by the process outlined in Softball Nova Scotia *Discipline and Complaints Policy* may be appealed under this Policy.

### Scope and Application of this Policy

2. This Policy applies to all Participants. Any Participant who is directly affected by a decision by Softball Nova Scotia shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.
3. This Policy will apply to decisions relating to:
  - a) Eligibility
  - b) Conflict of Interest
  - c) Selection
  - d) Discipline
  - e) Membership
4. This Policy will not apply to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than Softball Nova Scotia
  - e) Substance, content and establishment of team selection criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Volunteer withdrawal from Softball NS programs and or teams, athlete pool.
  - h) Budgeting and budget implementation
  - i) Softball Nova Scotia operational structure and committee appointments
  - j) Decisions or discipline arising within the business, activities, or events organized by entities other than Softball Nova Scotia (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Softball Nova Scotia at its sole discretion)
  - k) Commercial matters for which another appeals process exists under a contract or applicable law
  - l) Decisions made under this Policy

### Timing of Appeal

5. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to Softball Nova Scotia, the following:
  - a) Notice of the intention to appeal
  - b) Contact information and status of the appellant
  - c) Name of the respondent and any affected parties, when known to the Appellant
  - d) Date the appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds

- i) Requested remedy or remedies
  - j) An administration fee of three hundred and fifty dollars (\$350.00), fee must be paid in full in advance to Softball Nova Scotia. This fee will be refunded in its entirety if the appeal is upheld.
6. A Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the seven (7) day period will be at the sole discretion of the Case Manager and may not be appealed.

### **Grounds for Appeal**

7. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
  - d) Failed to consider relevant information or took into account irrelevant information in making the decision
  - e) Made a decision that was grossly unreasonable
8. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.
9. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), Softball Nova Scotia and the Appellant may first attempt to resolve the dispute pursuant to Softball Nova Scotia *Dispute Resolution Policy* or through the Early Resolution Facilitation services offered by the Sport Dispute Resolution Centre of Canada (SDRCC).
10. Appeals resolved by mediation under the *Dispute Resolution Policy* or through Early Resolution Facilitation at the SDRCC will result in the administration fee being refunded to the Appellant.

### **Screening of Appeal**

11. Should the appeal not be resolved by using the *Dispute Resolution Policy* or through resolution facilitation at the SDRCC, Softball Nova Scotia will appoint an independent Appeal chair (who must not be in a conflict of interest) who has the following responsibilities:
- a) Determine if the appeal falls under the scope of this Policy
  - b) Determine if the appeal was submitted in a timely manner
  - c) Decide whether there are sufficient grounds for the appeal
12. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
13. If the Appeal chair is satisfied there are sufficient grounds for an appeal, the Appeal chair will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal chair, a Panel of three persons may be appointed to hear the appeal. In this event, the Appeal chair will appoint one of the Panel's members to serve as the Chair.

## **Procedure for Appeal Hearing**

14. The Appeal chair shall notify the Parties that the appeal will be heard. The Appeal chair shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal chair and may not be appealed.
15. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
16. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances, provided that:
  - a) The hearing will be held within a timeline determined by the Appeal chair
  - b) The Parties will be given reasonable notice of the day, time and place of the hearing
  - c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - e) The Panel may request that any other individual participate and give evidence at the hearing
  - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
  - g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
  - h) The decision to uphold or reject the appeal will be by a majority vote of Panel members
17. In fulfilling its duties, the Panel may obtain independent advice.

## **Appeal Decision**

18. The Panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
  - a) Reject the appeal and confirm the decision being appealed
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
  - c) Uphold the appeal and vary the decision
19. The Panel's written decision, with reasons, will be distributed to all Parties, the Appeal chair, Softball Nova Scotia. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.
20. The Panel's decision may be appealed by any of the Parties to the SDRCC in accordance with the Canadian Sport Dispute Resolution Code.

## **Timelines**

21. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

## **Confidentiality**

22. The appeals process is confidential and involves only the Parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

**Final and Binding**

23. No action or legal proceeding will be commenced against Softball Nova Scotia or Participants in respect of a dispute, unless Softball Nova Scotia has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in Softball Nova Scotia governing documents.

# WHISTLEBLOWER POLICY

## Purpose

1. The purpose of this Policy is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing in the workplace without fear of unfair treatment or reprisal.

## Application

2. This Policy only applies to Workers who observe, or experience incidents of wrongdoing committed by Directors or by other Workers.
3. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by Softball Nova Scotia Softball Nova Scotia can be reported under the terms of Softball Nova Scotia *Discipline and Complaints Policy* and/or reported to Softball Nova Scotia Board or Chief Executive Officer to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement, as applicable, and/or any other relevant and applicable Softball Nova Scotia policy.
4. Matters reported under the terms of this Policy may be referred to be heard under Softball Nova Scotia *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

## Wrongdoing

5. Wrongdoing can be defined as:
  - a) Violating the law.
  - b) Intentionally or seriously breaching of Softball Nova Scotia *Code of Conduct and Ethics*.
  - c) Intentionally or seriously breaching Softball Nova Scotia policies for workplace violence and harassment.
  - d) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual.
  - e) Directing an individual or Worker to commit a crime, serious breach of a policy of Softball Nova Scotia, or other wrongful act; or
  - f) Fraud.

## Pledge

6. Softball Nova Scotia pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any Worker who discloses information or submits, in good faith, a report against a Worker under the terms of this Policy.
7. Any individual affiliated with Softball Nova Scotia who breaks this Pledge will be subject to disciplinary action.

## Reporting Wrongdoing

8. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
  - a) Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
  - b) Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
  - c) Why the act or action should be considered to be wrongdoing; and
  - d) How the wrongdoing affects the Worker submitting the report (if applicable).

### **Authority**

9. Softball Nova Scotia Executive Director to receive reports made under this Policy:
  
10. After receiving the report, the Executive Director has the responsibility to:
  - a) Assure the Worker of Softball Nova Scotia Pledge
  - b) Connect the Worker to the Alternate Liaison if the individual feels that he or she cannot act in an unbiased or discrete manner due to the individual's role with Softball Nova Scotia and/or the content of the report
  - c) Determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious)
  - d) Determine if Softball Nova Scotia *Whistleblower Policy* applies or if the matter should be handled under Softball Nova Scotia *Discipline and Complaints Policy*
  - e) Determine if the local police service be contacted
  - f) Determine if mediation or alternate dispute resolution can be used to resolve the issue
  - g) Determine if Softball Nova Scotia Chairperson and/or Chief Executive Officer should or can be notified of the report
  - h) Begin an investigation

### **Alternate Liaison**

11. If the Worker feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with Softball Nova Scotia and/or the content of the report, the Worker should contact the following individual who will act as an independent liaison between the Worker and the Compliance Officer:
  
12. The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with Softball Nova Scotia without the Worker's consent.
  
13. A Worker who is unsure if he or she should submit a report, or who does not want to have his or her identity known, may contact the Alternate Liaison for informal advice about the process.

### **Investigation**

14. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, Softball Nova Scotia Executive Officer and/or President may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the Worker who submitted the report being disclosed. Softball Nova Scotia Executive Director and/or President may not unreasonably refuse the decision to contract an external investigator
  
15. An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:
  - a) Follow-up interview with the Worker who submitted the report
  - b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing
  - c) Interviews with such-affected individuals
  - d) Interview with the Director(s) or Worker(s) against whom the report was submitted



- e) Interview with the supervisor(s) of the Director(s) or Worker(s) against whom the report was submitted

16. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, Softball Nova Scotia recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.

17. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to Softball Nova Scotia Executive Director and/or President for review and action.

### **Decision**

18. Within fourteen (14) days after receiving the Investigator's Report, Softball Nova Scotia Executive Director and/or President will take corrective action, as required. Corrective action may include, but is not limited to including:

- a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing.
- b) Revision of job descriptions; or
- c) Discipline, suspension, termination, or other action as permitted by Softball Nova Scotia Bylaws, provincial employment legislation, any relevant and applicable Softball Nova Scotia policy, and/or the Worker's Employment Agreement.

19. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.

20. Decisions made under the terms of this Policy may be appealed under the terms of Softball Nova Scotia *Appeal Policy* provided that:

- a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal, and
- b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that Softball Nova Scotia will act as the Respondent

### **Confidentiality**

21. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals (the Worker, the Worker(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.

## EVENT DISCIPLINE PROCEDURE

**\*\* This Event Discipline Procedure does not supersede or replace Softball Nova Scotia Discipline and Complaints Policy\*\***

### **Purpose**

1. Softball Nova Scotia is committed to providing a competition environment in which all Participants are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

### **Scope and Application of this Policy**

2. This Procedure will be applied to all Softball Nova Scotia-sanctioned and operated Events. Changes to this Procedure must also be outlined in the event Competition Guide, when and if applicable.
3. If the Event is being sanctioned by an organization other than Softball Nova Scotia, the Event Discipline Procedure of the sanctioning organization will replace this procedure. Incidents involving Participants connected with Softball Nova Scotia (such as athletes, coaches, members, and Directors and Officers) must still be reported to Softball Nova Scotia to be addressed under Softball Nova Scotia *Discipline and Complaints Policy*, if necessary.
4. This Procedure does not replace or supersede Softball Nova Scotia Discipline and Complaints Policy. Instead, this Procedure works in concert with the Discipline and Complaints Policy by outlining, for a designated person with authority at an event sanctioned and operated by Softball Nova Scotia, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of Softball Nova Scotia Code of Conduct and Ethics.

### **Misconduct During Events**

5. Incidents that violate or potentially violate Softball Nova Scotia Code of Conduct and Ethics, which can occur during a competition, away from the area of competition, or between parties connected to the Event, shall be reported to the Event Discipline Committee.
6. The Discipline Committee will be comprised of the supervisor, the Umpire in Chief (UIC) and a third person appointed by the supervisor. The Discipline Committee will make rulings on any incidents that occur during the Event. Incident Report Forms must be completed by all parties. These forms will be available in the umpires' change rooms during the tournament or can be obtained from the supervisor.
7. All incidents must be reported even if no further action is required. Softball Nova Scotia must be informed of all incidents involving its teams at Events. Incident reporting may be for both on and off field incidents. Please see the *Discipline and Complaints Policy* for more information.
8. In all matters of Event discipline, the supervisor shall have final authority.

### **Reporting Process**

9. An Incident Report must be completed by the umpire(s) or any affected Participant(s).
10. The Incident Report must be given to the UIC, who shall ensure that it is complete. If the report is incomplete, the UIC will gather the missing information.
11. The UIC must provide the complete report to the supervisor.

12. The supervisor must ensure that all relevant information is contained in the Incident Report, including the full names of any Participant involved, the full names of witnesses and their contact information (phone number, email address), and a detailed description of the incident from both parties (i.e. a written account of the incident from the umpire(s) and the Participant(s) in question).
13. The supervisor must ensure that all parties have written a description of the incident.
14. The supervisor must convene a meeting of the Discipline Committee within 24 hours of the incident, or sooner if warranted by the circumstances. If it is deemed necessary, additional information shall be gathered (such as additional witnesses and their statements) and provided to the Discipline Committee. The supervisor will be the chairperson of this meeting.
15. The committee will interview any relevant Participant involved in the incident and ask questions to clarify the reports submitted and allow the parties to add information to the report previously submitted.
16. All relevant parties (as determined by the supervisor) involved in the incident will be in attendance at this meeting. Each person will be allowed to give a ten (10) minute explanation of the events. Questions will be directed to any witnesses present at the incident by the Discipline Committee. After each person has spoken, the other party is allowed a 5-minute rebuttal. The supervisor has the right to modify this agenda within reason as the situation dictates.
17. Upon hearing all of the evidence, the Discipline Committee will make a decision regarding whether a breach of any Softball Nova Scotia policy has occurred and, if so, impose the appropriate sanction. The Discipline Committee must provide a written decision to any Participant involved in the incident, and to Softball Nova Scotia, as soon as reasonably possible.
18. If warranted by the circumstances, the Discipline Committee may render an oral decision or a summary written decision, the Supervisor must follow with a full reasoned written decision to Softball Nova Scotia.
19. For the purpose of taking disciplinary action during the Event, the Discipline Committee will determine the appropriate action to be taken regarding the infraction(s) in accordance with Softball Nova Scotia Discipline and Complaints Policy.

#### **Authority**

20. The Discipline Committee does not have the authority to determine a suspension that exceeds the duration of the Event. A full written report of the incident shall be submitted to Softball Nova Scotia following the conclusion of the Event. Further discipline may then be applied in accordance with Softball Nova Scotia Discipline and Complaints Policy if necessary.
21. Decisions made in the scope of this Procedure may not be appealed.
22. This Procedure does not prohibit other Participants from reporting the same incident to Softball Nova Scotia to be addressed as a formal complaint pursuant to Softball Nova Scotia *Discipline and Complaints Policy*.
23. Softball Nova Scotia shall record and track all reported incidents.

## SOCIAL MEDIA POLICY

### Preamble

Softball Nova Scotia is aware that Participant interaction and communication occurs frequently on social media and electronic platforms. This policy will encompass public communications through such internet mediums and websites as Twitter, Facebook, LinkedIn, Snap Chat, YouTube, electronic platforms such as texting, virtual meeting platforms and email and any other social media network that allows users to communicate online.

Softball Nova Scotia cautions Participants that any conduct falling short of the standard of behaviour required by Softball Nova Scotia *Code of Conduct and Ethics* will be subject to the disciplinary sanctions identified within Softball Nova Scotia *Discipline and Complaints Policy*.

### Application of this Policy

1. This Policy applies to all Softball Nova Scotia members and participants.

### Conduct and Behaviour

2. In accordance with Softball Nova Scotia *Discipline and Complaints Policy* and *Code of Conduct and Ethics*, the following social media conduct may be considered minor or major infractions at the discretion of the Discipline Chair:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at a Participant, at Softball Nova Scotia, or at other individuals connected with Softball Nova Scotia
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at a Participant, at Softball Nova Scotia, or at other individuals connected with Softball Nova Scotia
  - c) Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Softball Nova Scotia, its stakeholders, or its reputation
  - d) Inappropriate personal or sexual relationships between Participants who have a Power Imbalance in their interactions, such as between athletes and coaches, Directors and staff, officials and athletes, etc.
  - e) Any instance of cyber-bullying or cyber-harassment between one Participant and another Participant (including a teammate, coach, opponent, volunteer, or official), where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
3. All conduct and behaviour occurring on social media may be subject to Softball Nova Scotia *Discipline and Complaints Policy* at the discretion of the Discipline Chair.

### Participants Responsibilities

4. Participants acknowledge that their social media activity may be viewed by anyone, including Softball Nova Scotia.
5. If Softball Nova Scotia unofficially engages with a Participant in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Participant may, at any time, ask Softball Nova Scotia to cease this engagement.
6. When using social media, an Participant must model appropriate behaviour befitting the Participant's role and status in connection with Softball Nova Scotia.

7. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Participant from being subject to Softball Nova Scotia *Discipline and Complaints Policy*.
8. An individual who believes that a Participant's social media activity is inappropriate or may violate Softball Nova Scotia policies and procedures should report the matter to Softball Nova Scotia in the manner outlined by Softball Nova Scotia *Discipline and Complaints Policy*.