



**ST. ALBERT RINGETTE ASSOCIATION ("SARA")**

**SAFE SPORT POLICIES**

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# Code of Conduct and Ethics

*The SARA recognizes the development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Although only federally-funded sport organizations are required to adapt the UCCMS, the SARA has attempted to align its standards for behaviour to the national conduct standard for prohibited behaviours.*

## **UCCMS Prohibited Behaviours**

1. The following prohibited behaviours are adapted from the UCCMS and described in **Appendix A**:
  - a) Psychological Maltreatment
  - b) Physical Maltreatment
  - c) Neglect
  - d) Sexual Maltreatment
  - e) Grooming
  - f) Boundary Transgressions
  - g) Discrimination
  - h) Subjecting a Participant to the Risk of Maltreatment
  - i) Aiding and Abetting
  - j) Failure to Report
  - k) Intentionally Reporting a False Allegation
  - l) Interference with or Manipulation of Process
  - m) Retaliation

## **UCCMS Definitions**

2. The following terms are adapted from the UCCMS and defined in **Appendix B**:
  - a) Boundary Transgressions
  - b) Consent
  - c) Disclosure
  - d) Discrimination
  - e) Grooming
  - f) Legal Duty to Report
  - g) Maltreatment
  - h) Minor
  - i) Neglect
  - j) Physical Maltreatment
  - k) Power Imbalance
  - l) Prohibited Behaviour
  - m) Psychological Maltreatment
  - n) Reporting (or Report)
  - o) Reporting Obligation
  - p) Sexual Maltreatment
  - q) Vulnerable Participant

## **Definitions**

3. Terms in this Code are defined as follows:
  - a) **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:
    - i. Recurrent unexplained injuries
    - ii. Alert behaviour; individual seems to always be expecting something bad to happen
    - iii. Often wears clothing that covers up their skin, even in warm weather

- iv. Individual startles easily, shies away from touch or shows other skittish behaviour
  - v. Constantly seems fearful or anxious about doing something wrong
  - vi. Withdrawn from peers and adults
  - vii. Behaviour fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
  - viii. Acting inappropriately younger than their age (like an infant; throwing tantrums)
  - ix. Acting out in an inappropriate sexual way with toys or objects
  - x. Self-harm (e.g., cutting, burning or other harmful activities)
  - xi. Not wanting to be alone with a particular individual
- b) **Athlete** – An individual who is an Athlete Participant in the SARA who is subject to the policies of the SARA and to this Code.
- c) **Bullying** - is offensive behaviour and/or abusive treatment of a Participant that typically, but not always, involves an abuse of power. Examples of behaviour that may constitute Bullying include, but are not limited to:
- i. Spreading malicious rumours, gossip or innuendos with the intent of causing harm or suffering to a Participant;
  - ii. Excluding or isolating a Participant socially with the intent of causing them harm or suffering;
  - iii. Making offensive jokes or derogatory comments to a Participant or to others;
  - iv. Yelling, verbally berating or using profanity;
  - v. Assigning unreasonable duties or workload which are unfavourable to a Participant; or
  - vi. Any form of cyber bullying which can include:
    - a. Sending mean or threatening emails or text/instant messages
    - b. Posting embarrassing photos of someone online
    - c. Creating a website or post on any form of social media to make fun of others
    - d. Pretending to be someone else
    - e. Tricking someone into sending pictures or videos or revealing personal information
    - f. Sending personal information (including pictures and videos) about someone else to a third-party
- d) **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:
- i. Written, physical or verbal abuse, threats, or outbursts;
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
  - iv. Leering or other suggestive or obscene gestures;
  - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - vi. Practical jokes which endanger a person's safety, or may negatively affect performance;
  - vii. **Hazing** – which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - ix. Deliberately excluding or socially isolating a person from a group or team;
  - x. Persistent sexual flirtations, advances, requests, or invitations;
  - xi. Physical or sexual assault;
  - xii. 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.
- xiii. 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
- xiv. Retaliation or threats of retaliation against a person who reports harassment to the SARA.
- e) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
- f) **Person in Authority** – Any Participant who holds a position of authority within the SARA including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.

### **Purpose**

4. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of the SARA by making Participants aware that there is an expectation, at all times, of appropriate behaviour. The SARA prohibits discriminatory practices and is committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

### **Application of this Code**

5. This Code applies to any Participant's conduct during the business, activities, and events of the SARA including, but not limited to competitions, training sessions, evaluations, treatment or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.
6. This Code also applies to Participants' conduct outside of the business, activities, and events of the SARA when such conduct adversely affects the SARA's relationships (and the work and sport environment) or is detrimental to the image and reputation of the SARA. Such applicability will be determined by the SARA at its sole discretion.
7. 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.
8. In addition, breaches of this Code may occur 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).
9. Any Participant who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, a Participant who violates this Code during a competition may be removed from the competition or training area, and the Participant may be subject to further sanctions.

### **Persons in Authority and Maltreatment**

10. 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.

11. 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.
12. 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 or hiring a coach who has a past history of Maltreatment.

### **Responsibilities**

13. All Participants have a responsibility to:
- a) Refrain from any behaviour that constitutes Maltreatment, Discrimination, Abuse, or Harassment, and any other Prohibited Behaviour that is described in the UCCMS.
  - b) Maintain and enhance the dignity and self-esteem of other Participants 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 other Participants;
    - 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.
  - c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
  - d) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force. More specifically, the SARA adopt and adhere to the Canadian Anti-Doping Program. The SARA will respect any sanction imposed on a Participant as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.
  - e) Refrain from coaching, training, instructing, administrating, managing, or being involved in the athletic development of any person who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.
  - f) Reasonably cooperate with the CCES or another anti-doping organization that is investigating anti-doping rule violations.
  - g) Not harass, intimidate or otherwise conduct themselves offensively towards a doping control official or other individual involved in doping control.
  - h) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
  - i) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of the SARA.
  - j) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or event.
  - k) In the case of adults, not consume cannabis in the workplace or in any situation associated with the events of the SARA (subject to any requirements for accommodation), not consume alcohol during training, competitions, or in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations.
  - l) When driving a vehicle:
    - i. Have a valid driver's license;

- ii. Not be under the influence of alcohol or illegal drugs or substances;
  - iii. Have valid car insurance; and
  - iv. Refrain from holding a mobile device.
- m) Respect the property of others and not wilfully cause damage.
  - n) Promote sport in the most constructive and positive manner possible.
  - o) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a para-classification, competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.
  - p) Adhere to all applicable federal, provincial/territorial, municipal and host country laws.
  - q) Comply, at all times, with the By-laws, policies, procedures, and rules and regulations of the SARA, as applicable and as adopted and amended from time to time.
  - r) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to the SARA, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method.

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

14. In addition to section 13 (above), Directors, Committee Members, and staff of the SARA will have additional responsibilities to:
- a) Function primarily as a Director, committee member or staff member of the SARA (as applicable) and ensure to prioritize their loyalty to Organization (and not to any other organization or group) while acting in this role.
  - b) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
  - c) Comply with the *Screening Policy*.
  - d) Conduct themselves openly, professionally, lawfully and in good faith.
  - e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
  - f) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
  - g) Maintain confidentiality of private organizational information.
  - h) When acting as a Director or Committee Member, respect the decisions of the majority (the Board or a Committee, as applicable) and resign if unable to do so.
  - i) Have a thorough knowledge and understanding of all governance documents.

#### **Coaches, Instructors, Trainers, and Athlete Support Personnel**

15. In addition to section 13 (above), coaches, instructors, trainers and athlete support personnel 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, either consciously or unconsciously. Coaches, instructors, trainers, and athlete support personnel 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 they are 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 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/territorial 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 sport 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 the *Screening Policy*.
- j) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions to the SARA, including those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method.
- k) Not coach, train, or otherwise support athletes if they use methods or substances prohibited by the Canadian Anti-Doping Program without valid and acceptable justification.
- l) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of Minors, alcohol, cannabis, and/or tobacco.
- m) Respect Athletes competing for other jurisdictions 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.
- n) Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority.
- o) Disclose to the SARA any sexual or intimate relationship with an athlete over the age of majority and, if requested by the SARA, immediately discontinue any coaching involvement with that athlete.
- p) 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
- q) Dress professionally and use appropriate language.

### **Athletes**

16. In addition to section 13 (above), Athletes will have additional responsibilities to:

- a) Adhere to their Athlete Agreement (if applicable).
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, train, or compete.
- c) Participate and appear on-time and prepared to participate to their best abilities in all competitions, training sessions, and evaluations.
- d) 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.
- e) Adhere to any rules and requirements regarding clothing and equipment.
- f) Dress to represent the sport and themselves with professionalism.
- g) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers.

### **Officials**

17. In addition to section 13 (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes.
- b) Not publicly criticize other officials.
- c) Work within the boundaries of their position's description while supporting the work of other officials.
- d) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations.
- e) Take ownership of actions and decisions made while officiating.
- f) Respect the rights, dignity, and worth of all Participants.
- 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 discipline processes, appeals, and specific information or data about Participants.
- j) Comply with the *Screening Policy*.
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or the SARA at the earliest possible time.
- l) When writing reports, set out the actual facts to the best of their knowledge and recollection.
- m) Dress in proper attire for officiating.

**Parents/Guardians and Spectators**

18. In addition to section 13 (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 competition or training session.
- d) Respect the decisions and judgments of officials, and encourage Athletes to do the same.
- e) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm.
- f) Respect and show appreciation to all competitors, and to coaches, officials and other volunteers.
- g) Never harass competitors, coaches, officials, parents/guardians, or other spectators.

## **Appendix A – UCCMS Prohibited Behaviours**

*The Prohibited Behaviours listed below have been adapted from Version 6.0 of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport.*

### **5 PROHIBITED BEHAVIOURS**

#### **5.1 Violations of the UCCMS**

It is a violation of the UCCMS for a Participant to engage in the behaviours described in this Section. It may be that conduct constituting Prohibited Behaviour falls into more than one of the categories of this Section. It is the assessment of the conduct itself that is important, not into which category or categories it falls.

#### **5.2 Psychological Maltreatment**

5.2.1 Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.

- a) Verbal Conduct: without limitation, verbally assaulting or attacking someone, including in online forms; unwarranted personal criticisms; implied or expressed body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigeneity, 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.
- b) Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that has the potential to be harmful or instil fear, including, without limitation:
  - i. body-shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and
  - ii. forms of physically aggressive behaviours such as, without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; hitting, striking or punching objects in the presence of others.
- c) Conduct that causes denial of attention or support: without limitation, forms of lack of support or isolation such as 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.
- d) A person in authority's pattern of deliberate non-contact behaviours that has the objective potential to be harmful.

5.2.2 Psychological Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

#### **5.3 Physical Maltreatment**

5.3.1 Physical Maltreatment includes contact or non-contact infliction of physical harm.

- a) Contact behaviours: without limitation, deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic or medical interventions with no specific training or expertise.
- b) Non-contact behaviours: without limitation, 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 who is under the legal drinking age; providing illegal drugs or non-prescribed medications to a Participant;

encouraging or permitting an athlete under their authority to return to play following any injury, including after a concussion, when they knew or ought to have known that the return is premature, or without the clearance of a medical professional where reasonably required; encouraging an athlete to perform a potentially dangerous skill for which the Participant knows or ought to know that the athlete is not developmentally ready.

5.3.2 Physical Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

#### **5.4 Neglect**

5.4.1 Neglect refers to the omission of adequate care and attention and is evaluated with consideration given to the Participant's needs and requirements. Examples of Neglect include without limitation: not allowing an athlete adequate recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring appropriate 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.

5.4.2 Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

#### **5.5 Sexual Maltreatment**

5.5.1 Sexual Maltreatment includes, but is not limited to,

- a) any non-Consensual touching of a sexual nature and/or the Criminal Code offence of sexual assault;
- b) forcing or coercing a person into sexual acts;
- c) participating in or performing acts on a person that violate their sexual integrity;
- d) Criminal Code offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence;
- e) Sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.

5.5.2 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).

5.5.3 Sexual Maltreatment of a Minor is any Sexual Maltreatment against a Minor. It includes the items described in 5.5.1 above and also includes, but is not limited to, the Criminal Code offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a Minor through prostitution. Sexual Maltreatment of a Minor is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a Minor, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a Minor. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a Minor Participant to create, possess, make available or distribute images of themselves.

5.5.4 A Participant is presumed to know that a person is a Minor.

5.5.5 It is prohibited for a Participant to create, possess, make available or distribute images that sexualize or contain

nudity of another person in the absence of Consent.

5.5.6 Where there is a Power Imbalance, sexual acts or communications (electronic or otherwise) between any Participant and another Participant are prohibited.

5.5.7 Examples of Sexual Maltreatment include, without limitation:

- a) Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a Participant who has more power in the context of a relationship that involves a Power Imbalance, or if the person to whom the solicitation or advance is made is a Minor;
- b) Pressuring a person to engage in sexual activity, including by making repeated advances that are known or ought to be known to be unwelcome;
- c) Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked by a Participant who has more power in the context of a relationship that involves a Power Imbalance, or asked of a Minor or Vulnerable Participant;
- d) Sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or where the object of the attention is a Minor. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be objectively perceived by another person as being sexual in nature, practical jokes based on sex, intimidating sexual remarks, propositions, invitations or familiarity.
- e) Unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.

## **5.6 Grooming**

5.6.1 Grooming is conduct that may precede other behaviours defined as Sexual Maltreatment, or is carried out in conjunction with other forms of Sexual Maltreatment. Repeated Boundary Transgressions by a Participant toward a Minor or Vulnerable Participant may also be deemed to be Grooming, even in the absence of deliberate intention to facilitate a sexual relationship.

5.6.2 In assessing whether Grooming has occurred, the existence of a Power Imbalance should be taken into account.

5.6.3 The Grooming process is often gradual and involves building trust and comfort with a person, and sometimes also with the protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (e.g., seemingly accidental touching) that gradually escalates to Sexual Maltreatment (e.g. sexualized touching). It is acknowledged that 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.

## **5.7 Boundary Transgressions**

5.7.1 Identifying a Boundary Transgression is dependent on context, including the age of the persons involved and the existence of a Power Imbalance. It may be the case that a particular act or communication does not meet the threshold of any of the types of Maltreatment, but is an act or communication that is nonetheless viewed as inappropriate in the circumstances. The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a Boundary Transgression is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport, recognizing that Boundary Transgressions are often part of the Grooming process.

5.7.2 Recognizing that there may be a need to be flexible in the way in which such Boundary Transgressions are addressed, a Boundary Transgression may trigger review of the circumstances and potentially be resolved informally, or a formal conduct review may be initiated.

5.7.3 Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the Participant in the event future Boundary Transgressions occur. A repeated Boundary Transgression after a consequence should be treated seriously.

5.7.4 The concept of Boundary Transgressions is intended to be broad in scope. By way of example and not limitation, a Boundary Transgression may be a circumstance where:

- a) one person uses contact information available to the person for the purpose of sport, to make contact with a person for a purpose that is not related to sport;
- b) a Participant uses or attempts to use a line of communication with another person that is not within the typical communication channels;
- c) communicating privately with a Minor through social media or text;
- d) a Participant inappropriately shares personal photographs;
- e) a Participant arranges for or engages in inappropriate sharing of locker rooms;
- f) one-on-one meetings that are not held in an open and observable environment;
- g) there is inappropriate private travel or transportation; and
- h) providing personal gifts.

## **5.8 Discrimination**

5.8.1 Discrimination can include overt or subtle forms of harm that uniquely define the adverse or inequitable experiences of marginalized persons.

5.8.2 The following are examples of Discrimination if they are based on one or more of the grounds of Discrimination within the definition:

- a) Denying someone access to services, benefits, or opportunities;
- b) Treating a person unfairly;
- c) Communicating hate messages or unwelcome remarks or jokes;
- d) The perpetuation of misogynistic, racist, ableist, homophobic, or transphobic attitudes and stereotypes.

5.8.3 Discrimination does not require an intention to cause harm.

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

5.9.1 Sport administrators or other sport decision-makers in positions of authority who place Participants in situations that they know or ought to have known make the Participant vulnerable to Maltreatment are subjecting a Participant to the risk of Maltreatment.

5.9.2 Subjecting a Participant to the risk of Maltreatment includes, without limitation: instructing an athlete and coach to share a hotel room when traveling, knowingly hiring a Participant who has a past history of Prohibited Behaviour and who is under a sanction of temporary or permanent ineligibility pursuant to a UCCMS enforcement process, assigning guides and other support staff to a para-athlete when the guide or support staff has a past history of Prohibited Behaviour and is under a sanction of temporary or permanent ineligibility pursuant to a UCCMS enforcement process, or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.

## **5.10 Aiding and Abetting**

5.10.1 Aiding and Abetting is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of Maltreatment or other Prohibited Behaviour by or against a Participant.

5.10.2 Aiding and Abetting also includes, without limitation: knowingly allowing any person who is suspended or is otherwise ineligible to participate in the organization's activities; providing any coaching-related advice or service to an athlete who is suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or

any other sanctions imposed.

### **5.11 Failure to Report**

5.11.1 Failure to Report possible Maltreatment or other Prohibited Behaviour:

- a) It is a violation for any adult Participant who knew or ought to have known of a Participant's Prohibited Behaviour toward another person to fail to Report such conduct. For clarity, a Participant Report Prohibited Behaviour is not obligated to an instance of to which they were personally subject.
- b) Where information regarding a Participant's Prohibited Behaviour toward another adult is made known to an adult Participant through an explicitly confidential Disclosure, the adult Participant shall not be required to Report the information obtained through that Disclosure. Nevertheless, if an adult Participant knew or ought to have known of the Participant's Prohibited Behaviour for reasons other than the explicitly confidential , it remains a violation for them to fail to Report such conduct.
- c) The person making the Report does not need to determine whether a violation took place: instead, the responsibility lies in Reporting the objective behaviour. Early intervention is required to prevent escalation, hence the obligation on all adult Participants to Report.
- d) The Reporting Obligation is ongoing and is not satisfied simply by making an initial Report. The Reporting Obligation includes Reporting, on a timely basis, any and all relevant information of which an adult Participant becomes aware.
- e) It is a violation for any adult Participant to fail to fulfill any applicable legal Duty to Report.

### **5.12 Intentionally Reporting a False Allegation**

5.12.1 It is a violation to Report a knowingly false allegation, or influence another to Report a knowingly false allegation, that a Participant engaged in Prohibited Behaviour. An allegation is false if the events Reported did not occur, and the person making the Report knows at the time of Reporting that the events did not occur.

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

### **5.13 Interference with or Manipulation of Process**

5.13.1 It is a violation of the UCCMS for a Participant to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:

- a) knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome;
- b) attempting to discourage or prevent a person's proper participation in or use of the processes;
- c) harassing or intimidating any person involved in the processes before, during, and/or following any proceedings;
- d) failing to comply with any temporary or provisional measure or final sanction;
- e) influencing or attempting to influence another person to interfere with or manipulate the process; or
- f) distributing or otherwise publicizing materials a Participant gains access to during a UCCMS investigation or hearing, except as required by law or as expressly permitted.

5.13.2 All Participants are expected to act in good faith throughout any investigation or disciplinary review process, and the sole purpose of Section 5.13 is to provide a means to discipline those who do not. In recognition that a victim/survivor, of sexual abuse in particular, may conceal information out of embarrassment, shame or to protect the perpetrator, absent demonstrable bad faith, minimizing or concealing in such circumstances is not a UCCMS violation.

### **5.14 Retaliation**

5.14.1 It is considered retaliation for a Participant to take an adverse action against any person for making a good faith Report of possible Prohibited Behaviour or for participating in any UCCMS enforcement process.

5.14.2 Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation,

or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process related to behaviour prohibited by the UCCMS. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no Prohibited Behaviour occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Prohibited Behaviour.

## **Appendix B – UCCMS Definitions**

*The Definitions listed below have been adapted from Version 6.0 of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport.*

- a) **Boundary Transgressions:** Interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the Participant. See Section 5.7.
- b) **Consent:** The communicated voluntary agreement to engage in the activity in question, by a person who has the legal capacity to consent. Consent regarding sexual activity is assessed in accordance with the laws of Canada, including the Criminal Code.
- c) **Disclosure:** The sharing of information by a person regarding an incident or a pattern of Maltreatment experienced by that person, including a breach of reasonable boundaries. Disclosure does not constitute a formal Report.
- d) **Discrimination:** Behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual or class of individuals based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds. Behaviour, policies, and/or practices specifically benefitting members of marginalized groups shall not be considered Discrimination does not include behaviour, policies and/or practices rationally connected to legitimate sport objectives with the honest and good faith belief that they are reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the and/or that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives. See Section 5.8.
- e) **Grooming:** Deliberate conduct by a Participant comprised of one or several acts that, viewed objectively, either make it easier to engage in Sexual Maltreatment or reduce the chance that Sexual Maltreatment will be Reported. See Section 5.6.
- f) **Legal Duty to Report:** The legal obligation to report potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial legislation.
- g) **Maltreatment:** A volitional act and/or omission described in Sections 5.2-5.6 that results in harm or has the potential for physical or psychological harm.
- h) **Minor:** An individual who is under the age of 18 years old. It is at all times the responsibility of the adult Participant to know the age of a Minor.
- i) **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. See section 5.4.
- j) **Physical Maltreatment:** Any pattern or a single serious incident of deliberate conduct, including contact behaviours and non-contact behaviours as outlined in Section 5.3, that has the potential to be harmful to a person's physical or psychological well-being. See Section 5.3.
- k) **Power Imbalance:** A Power Imbalance is presumed to exist where a Participant has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual Power Imbalance exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate Participant.



- i. Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship, regardless of the age of the athlete.
  - ii. Where the coach-athlete relationship began while the athlete was a Minor, the Power Imbalance is presumed to continue even after the coach-athlete relationship terminates, until the athlete reaches 25 years of age.
  - iii. A Power Imbalance may exist, but is not presumed, where a sexual or romantic relationship existed between two adult Participants 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).
  - iv. A Power Imbalance is presumed to exist where the Participant and other person are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete.
  - v. A presumption that Power Imbalance exists may be rebutted.
  - vi. A Power Imbalance may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
  - vii. Power may be represented by seniority, age differential, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples.
  - viii. Maltreatment occurs when this power is misused. Moreover, it is recognized that those from marginalized groups have experienced positions of lesser power.
- l) **Prohibited Behaviour:** Any of the conduct described in Section 5, including but not limited to Maltreatment.
- m) **Psychological Maltreatment:** Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person's psychological well-being. See Section 5.2.
- n) **Reporting (or Report):** The provision of information by a Participant or by any person to an independent authority designated by the organization to receive Reports regarding Prohibited Behaviour. Reporting may occur through either: (i) the person who experienced the Prohibited Behaviour, or (ii) someone who witnessed the Prohibited Behaviour or otherwise knows or reasonably believes that Prohibited Behaviour or a risk of Prohibited Behaviour exists.
- o) **Reporting Obligation:** The obligation to Report possible Prohibited Behaviour under the UCCMS. See Section 5.11.
- p) **Sexual Maltreatment:** Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person's sexual integrity. See Section 5.5.
- q) **Vulnerable Participant:** Persons at increased risk of Maltreatment and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. Vulnerable Participants include persons who are not able to provide informed Consent.

# Athlete Protection Policy

## Definitions

1. Terms in this Policy are defined as follows:
  - a) **Athlete** – An individual who is an Athlete Participant in the SARA who is subject to the policies of the SARA and to the *Code of Conduct and Ethics*.
  - b) **Minor** – Any Participant who is under the age of 18 years old at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor.
  - c) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
  - d) **Person in Authority** – Any Participant who holds a position of authority within the SARA including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
  - e) **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 Persons in Authority).

## Purpose

2. This *Athlete Protection Policy* describes how Persons in Authority shall maintain a safe sport environment for all Athletes.

## Interactions between Persons in Authority and Athletes – the ‘Rule of Two’

3. The SARA requires that the ‘Rule of Two’ be followed for all Persons in Authority who interact with Athletes, to the maximum extent feasible. 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.
4. The SARA recognizes that fully implementing the ‘Rule of Two’ may not always be possible in some instances. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) To the maximum extent possible, the training environment should be visible and accessible so that all interactions between Persons in Authority and Athletes are observable.
  - b) Private and one-on-one situations that are not observable by another adult or Athlete should be avoided to the maximum extent possible.
  - c) A Vulnerable Participant may not be alone under the supervision of a Person in Authority unless prior written permission is obtained from the Vulnerable Participant’s parent or guardian.
  - d) Persons in Authority may not invite or host Vulnerable Participants in their home without the written permission from parents or guardians or without parents or guardians having contemporaneous knowledge of the visit.

## Competitions and Training Sessions

5. For competitions and training sessions, the SARA recommends:
  - a) A Person in Authority should never be alone with a Vulnerable Participant prior to or following a competition or training session unless the Person in Authority is the Vulnerable Participant’s parent or guardian.
  - b) If the Vulnerable Participant is the first Athlete to arrive, the Athlete’s parent should remain until another Athlete or Person in Authority arrives.
  - c) If a Vulnerable Participant would potentially be alone with a Person in Authority following a competition or training session, the Person in Authority should ask another Person in Authority (or a parent or guardian of

another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant.

- d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority.
- e) Persons in Authority and Athletes should take steps to achieve transparency and accountability in their interactions. For example, a Person in Authority and an Athlete who know they will be away from other Participants for a lengthy period of time must inform another Person in Authority where they are going and when they are expected to return. Persons in Authority should always be reachable by phone or text message.

### **Communications**

6. For communication between Persons in Authority and Athletes, the SARA recommends:

- a) Persons in Authority may only send 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.
- b) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such personal communication is unavoidable, 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).
- c) Parents/guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or may request that certain information about their child not be distributed in any form of electronic communication.
- d) All communication between a Person in Authority and Athletes must be between the hours of 6:00am and midnight unless extenuating circumstances justify otherwise.
- e) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted.
- f) No sexually explicit language or imagery or sexually oriented conversation may be communicated in any medium.
- g) Persons in Authority are not permitted to ask Athletes to keep a personal secret for them.

### **Travel**

7. For travel involving Persons in Authority and Athletes, the SARA recommends:

- a) Teams or groups of Athletes shall always have at least two Persons in Authority with them.
- b) For mixed gender teams or groups of Athletes, there should be one Person in Authority from each gender.
- c) If two Persons in Authority cannot be present, reasonable efforts should be made to supplement supervision with screened parents or other volunteers.
- d) To the maximum extent possible, no Person in Authority may drive a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian.
- e) A Person in Authority may not share a hotel room or be alone with an Athlete unless the Person in Authority is the Athlete's parent/guardian or spouse.
- f) Room or bed checks during overnight stays must be done by two Persons in Authority.
- g) For overnight travel when Athletes must share a hotel room, roommates must be age-appropriate and of the same gender identity.

### **Locker Rooms / Changing Areas**

8. For locker rooms, changing areas and other closed meeting spaces, the SARA recommends:

- a) Interactions between Persons in Authority and Athletes should not occur in any area where there is a reasonable expectation of privacy such as a locker room, washroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such area.
- 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, for reasons including but not limited to team communications and/or emergencies.

### **Photography / Video**

9. For all photography and video of an Athlete, the SARA recommends:
- a) Photographs and video should only be taken in public view. Content must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete.
  - b) The use of recording devices in areas where there is a reasonable expectation of privacy is strictly prohibited.
  - c) Examples of photos that shall 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**

10. Some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching or assisting a skill or tending to an injury. For physical contact, the SARA recommends:
- a) A Person in Authority must always request permission to make physical contact from the Athlete in advance and clearly explain where and why the physical contact will occur. The Person in Authority must make clear that they are requesting to touch the Athlete and not requiring physical contact.
  - b) Infrequent, incidental physical contact during a training session is not considered a violation of policy.
  - c) Non-essential physical contact may not be initiated by the Person of Authority. It is recognized that some Athletes may initiate non-essential physical contact such as hugging or other physical contact with a Person in Authority for various reasons (e.g., such as celebrating or crying after a poor performance). This physical contact should always occur in an open and observable environment.

### **Enforcement**

11. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to the *Discipline and Complaints Policy*.

# Discipline and Complaints Policy

## Definitions

1. Terms in this Policy are defined as follows:
  - a) **Athlete** – An individual who is an Athlete Participant in the SARA who is subject to the policies of the SARA and to the *Code of Conduct and Ethics*.
  - b) **Case Manager** – An individual appointed to administer complaints that are assessed under Process #2 of this Policy. This individual must not be in a conflict of interest.
  - c) **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*.
  - d) **External Discipline Panel** – A Panel of one or three people who are appointed by the Case Manager to make a decision on complaints that are assessed under Process #2 of this Policy.
  - e) **Harassment** – as defined in the *Code of Conduct and Ethics*
  - f) **Internal Discipline Chair** – An individual appointed by the SARA to make a decision on complaints that are assessed under Process #1 of this Policy. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with the SARA but must not be in a conflict of interest.
  - g) **Maltreatment** – as defined in **Appendix B** of the *Code of Conduct and Ethics*.
  - h) **Minor** – as defined in **Appendix B** of the *Code of Conduct and Ethics*.
  - i) **Parties** – the groups involved with a dispute.
  - j) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.
  - k) **Power Imbalance** – as defined in **Appendix A** of the *Code of Conduct and Ethics*.
  - l) **Respondent** – The Party responding to the complaint.

## Purpose

2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of the SARA. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

## Principles

3. The following principles guide the findings and determinations under this Policy:
  - a) Any form of Harassment or Maltreatment which violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Harassment or Maltreatment and the harm to those affected and the values of Canadian sport.
  - c) This Policy and its procedures will be:
    - i. Fair (procedural and substantive due process for all Participants)
    - ii. Comprehensive (all forms of Harassment and Maltreatment addressed and potential sanctions described)
    - iii. Expert-informed (the determination of Harassment and Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
    - iv. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
    - v. Evidence-driven (evidence of Harassment and Maltreatment required, where evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant

- authorities. Depending upon the nature of the Harassment and Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
- vi. Independent administration (free from all conflicts of interest)

### **Application of this Policy**

4. This Policy applies to all Participants.
5. This Policy applies to matters that may arise during the business, activities, and events of the SARA including, but not limited to, competitions, training sessions, treatment or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of the SARA, and any meetings.
6. This Policy also applies to Participants' conduct outside of the business, activities, and events of the SARA when such conduct adversely affects the relationships (or the work and sport environment) of the SARA, is detrimental to the image and reputation of the SARA, or upon the acceptance of the SARA. Accordingly, applicability of this Policy will be determined by the SARA upon its sole discretion.
7. 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).
8. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions 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 may be for the duration of the competition, training, activity, or event only.
9. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the SARA who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

### **Minors**

10. Complaints may be brought by 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 Case Manager, Internal Discipline Chair or External Discipline Panel (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 person may report a complaint to the SARA's Case Manager (when identified) or directly to the SARA, which will then appoint a Case Manager.
14. At its discretion, the SARA may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the SARA will identify an individual to represent the organization.
15. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Case Manager may accept any formal complaint, in writing or not, at their sole discretion.

## Case Manager Responsibilities

16. Upon receipt of a complaint, the Case Manager has a responsibility to:

- a) Determine the appropriate jurisdiction to manage the complaint and consider the following:
  - i. Whether the complaint should be handled by the SARA or by another governing body (such as Ringette Alberta) having jurisdiction. In making this decision, the Case Manager will consider:
    - a. whether the incident has occurred within the business, activities or events of the SARA; and
    - b. if the SARA 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
- b) Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's 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 **Appendix A – Investigation Procedure**; and/or
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

There are two different processes that may be used to hear and adjudicate complaints. The Case Manager will decide which process should be followed based on the nature of the complaint.

**Process #1** - the Complainant alleges the following incidents:

- a) Disrespectful conduct or comments
- b) Minor incidents of physical violence outside of competition or training (e.g., tripping, pushing, elbowing)
- c) Conduct contrary to the values of the SARA
- d) Non-compliance with the organization's policies, procedures, rules, or regulations
- e) Minor violations of the *Code of Conduct and Ethics*, *Social Media Policy*, or *Athlete Protection Policy*

**Process #2** - the Complainant alleges the following incidents:

- a) Repeated minor incidents
- b) Hazing
- c) Abusive, racist, or sexist comments or behaviour
- d) Behaviour that constitutes Harassment, sexual harassment, or sexual misconduct
- e) Major incidents of violence outside of competition or training (e.g., fighting, attacking, sucker punching)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- h) Conduct that intentionally damages the organization's image, credibility, or reputation
- i) Consistent disregard for the by-laws, policies, rules, and regulations
- j) Major or repeated violations of the *Code of Conduct and Ethics*
- k) Intentionally damaging the organization's property or improperly handling the organization's monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense
- n) Any possession or use of banned performance enhancing drugs or methods

**PROCESS #1: Handled by Internal Discipline Chair**

**Internal Discipline Chair**

17. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will ask the SARA to appoint an Internal Discipline Chair who may:
  - a) Suggest mediation or negotiation;
  - 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.
18. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).
19. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately.
20. Records of all sanctions will be maintained by the SARA.

#### **Request for Reconsideration**

21. If there is no sanction, the Complainant may contest the non-sanction by informing the Internal Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
22. If there is a sanction, 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 five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - c) What alternative penalty or sanction (if any) would be appropriate.
23. Upon receiving a request for reconsideration, the Internal Discipline Chair may decide to accept or reject the Respondent's suggestion for an alternative sanction.
24. Should the Internal Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
25. Should the Internal 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 Case Manager and External Discipline Panel**

##### **Case Manager**

26. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Optionally propose the use of alternative dispute resolution techniques
  - b) Appoint the External Discipline Panel, if necessary
  - c) Coordinate all administrative aspects of the process and set reasonable timelines
  - d) Provide administrative assistance and logistical support to the External Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
27. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.



28. The Case Manager may propose using alternative dispute resolution methods, such as mediation or a negotiated settlement.
29. If the dispute is not resolved using alternative methods, the Case Manager will appoint an External Discipline Panel of one (1) person to hear the complaint. Depending on the severity of the allegations and at the Case Manager's discretion, an External Discipline Panel of three (3) people may be appointed. When a three-person External Discipline Panel is appointed, the Case Manager will appoint one of the External Discipline Panel's members to serve as the Chair.
30. The Case Manager, in cooperation with the External 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.
31. The hearing will be governed by the procedures that the Case Manager and the External Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
  - b) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The External 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 External Discipline Panel, when the Panel consists of three people
32. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External 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. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

### **Decision**

35. After hearing the matter, the External 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 External Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, to the SARA. In extraordinary circumstances, the External 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 External Discipline Panel.

### **Sanctions**

36. Prior to determining sanctions, the Internal Discipline Chair or External 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 the SARA;
- 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.

37. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.

38. The Internal Discipline Chair or External 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, activity, event, or competition sponsored by, organized by, or under the auspices of the SARA. 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** - Ineligibility to participate in any capacity in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the SARA
- 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

39. The Internal Discipline Chair or External 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

40. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with the SARA. *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences

- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

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

42. Records of all decisions will be maintained by the SARA.

### **Appeals**

43. The decision of the External Discipline Panel may be appealed in accordance with the *Appeal Policy*.

### **Suspension Pending a Hearing**

44. The SARA may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the External Discipline Panel.

### **Confidentiality**

45. The discipline and complaints process is confidential and involves only the SARA, the Parties, the Case Manager, the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External 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.

46. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

### **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 Case Manager 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/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

49. The SARA 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 Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).

## **Appendix A – Investigation Procedure**

### **Determination**

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

### **Investigation**

2. The Case Manager will appoint an Investigator. 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.
3. 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, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. 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) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

### **Investigator's Report**

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. 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.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the SARA.
8. 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 and the SARA to refer the matter to police.
9. The Investigator must also inform the SARA of any findings of criminal activity. The SARA may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the SARA, or other offences where the lack of reporting would bring the SARA into disrepute.

### **Reprisal and Retaliation**

10. A Participant who submits a complaint to the SARA 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**

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The SARA or the Participant against whom the allegations were submitted, may act as the Complainant.

**Confidentiality**

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, the SARA recognizes that maintaining full anonymity during an investigation may not be feasible.

# Alternative Dispute Resolution Policy

## Definitions

1. Terms in this Policy are defined as follows:
  - a) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.
2. The SARA 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. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. The SARA encourages all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. The SARA believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

## Application of this Policy

4. This Policy applies to all Participants.
5. Opportunities for ADR 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.

## Facilitation and Mediation

6. If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the written settlement shall be reported to, and approved by, the SARA for approval. 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 approval.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

## Final and Binding

10. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.

# Appeal Policy

## Definitions

1. Terms in this Policy are defined as follows:

- a) **Affected Party** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.
- b) **Appeal Manager** – 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*.
- c) **Appellant** – The Party appealing a decision.
- d) **Athlete** – An individual who is an Athlete Participant in the SARA who is subject to the policies of the SARA and to the *Code of Conduct and Ethics*.
- e) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
- f) **Parties** – The Parties are the Appellant, Respondent, and any Affected Party.
- g) **Respondent** – The body whose decision is being appealed.

## Purpose

2. This *Appeal Policy* provides Participants with a fair and expedient appeal process.

## Scope and Application of this Policy

3. This Policy applies to all Participants.

4. Any Participant who is directly affected by a decision made by the SARA shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.

5. This Policy **will apply** to decisions relating to:

- a) Eligibility
- b) Conflict of Interest
- c) Discipline
- d) Membership

6. This Policy **will not apply** to decisions relating to:

- a) Employment
- b) Infractions for doping offenses
- c) The rules of the sport
- d) Selection and team placement
- e) Selection criteria, quotas, policies, and procedures established by entities other than the SARA
- f) Substance, content and establishment of team selection or carding criteria
- g) Volunteer/coach appointments and the withdrawal or termination of those appointments
- h) Budgeting and budget implementation
- i) The organization's operational structure and committee appointments
- j) Decisions or discipline arising within the business, activities, or events organized by entities other than the SARA (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization 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**

7. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name and contact information 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 five hundred dollars (\$500), which will be refunded if the appeal is upheld
  
8. 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 Appeal Manager and may not be appealed.

### **Submitting an Appeal**

9. Appeals of decisions made by the SARA can be submitted to the SARA to be addressed pursuant to this Policy.

### **Grounds for Appeal**

10. 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) Made a decision that was patently unreasonable

### **Screening of Appeal**

11. The parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*.
  
12. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
  
13. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, the SARA will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
  - a) To determine if the appeal falls under the scope of this Policy
  - b) To determine if the appeal was submitted in a timely manner
  - c) To decide whether there are sufficient grounds for the appeal
  
14. If the Appeal Manager denies the appeal 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.
  
15. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the



discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

#### **Determination of Affected Parties**

16. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage the SARA. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

#### **Procedure for Appeal Hearing**

16. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.

17. If a party chooses not to participate in the hearing, the hearing will proceed in any event.

18. 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. The following guidelines will apply to the hearing:

- a) The hearing will be held within a timeline determined by the Appeal Manager
- b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
- c) Copies of any written documents which any of the Parties wishes 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 an oral in-person hearing or oral hearing by telephone or electronic communications.
- 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 an Affected 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

19. In fulfilling its duties, the Panel may obtain independent advice.

#### **Appeal Decision**

20. 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.

21. The Panel shall issue its decision, in writing and with reasons, within seven (7) 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; or
- c) Uphold the appeal and vary the decision.

22. The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.

23. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and the SARA. 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.

**Timelines**

24. 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**

25. 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**

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

## Screening Policy

The SARA adopts the Ringette Alberta Screening Policy as its own. Where necessary, the use of the name Ringette Alberta will be replaced with SARA.

# Reciprocation Policy

## Purpose

1. The purpose of this Policy is to ensure national enforcement and recognition of all disciplinary sanctions applied by Ringette Canada, Ringette Alberta, and the SARA.

## Application

2. This Policy applies to the SARA.

## Responsibilities

3. The SARA will:
  - a) Provide copies of discipline and appeal decisions to Ringette Alberta
  - b) For discipline decisions provided to the SARA by Ringette Canada or by Ringette Alberta, determine per the *Discipline and Complaints Policy* whether to initiate further action against the individual(s) named in the decision
  - c) Recognize and enforce the disciplinary sanctions imposed by Ringette Canada and/or Ringette Alberta

# Event Discipline Procedure

**\*\* This *Event Discipline Procedure* does not supersede or replace the *Discipline and Complaints Policy* \*\***

## Definitions

1. Terms in this Policy are defined as follows:
  - b) **Event** – An event sanctioned by the SARA.
  - c) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the SARA who are subject to the policies of the SARA, as well as all people employed by, contracted by, or engaged in activities with, the SARA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.

## Purpose

2. The SARA 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 Procedure

3. This Procedure will be applied to all Events sanctioned by the SARA.
4. If the Event is being sanctioned by an organization other than the SARA (e.g., by Ringette Alberta or by a national or international federation), the procedures for event discipline of the host organization will replace this procedure. Incidents involving Participants connected with the SARA (such as Athletes, coaches, and Directors and Officers) must still be reported by the head coach or team representative to the SARA to be addressed under the *Discipline and Complaints Policy*, if necessary.
5. This Procedure does not replace or supersede the *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 by the SARA, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of the *Code of Conduct and Ethics*.

## Misconduct During Events

6. Incidents that violate or potentially violate the *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 by the head coach or team representative to a designated person (usually the chief official) responsible at the Event.
7. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated the *Code of Conduct and Ethics*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated the *Code of Conduct and Ethics*
  - b) Convene a jury of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether the *Code of Conduct and Ethics* has been violated. The designated person at the Event may serve on the jury
  - c) The jury will interview and secure statements from any witnesses to the alleged violation
  - d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate
  - e) The jury will secure a statement from the person(s) accused of the violation
  - f) The jury will render a decision and determine a possible penalty
  - g) The Chairperson of the jury will inform all parties of the jury's decision

8. The penalty determined by the jury may include any of the following, singularly or in combination:
  - a) Oral or written warning
  - b) Oral or written reprimand
  - c) Suspension from future competitions at the Event
  - d) Ejection from the Event
  - e) Other appropriate penalty as determined by the jury
9. The jury does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the jury's decision shall be submitted to the SARA by the Chair of the jury following the conclusion of the Event. Further discipline may then be applied in accordance with the *Discipline and Complaints Policy*, if necessary.
10. Decisions made pursuant to this Policy may not be appealed.
11. This Policy does not prohibit other Participants from reporting the same incident to the SARA to be addressed as a formal complaint under the *Discipline and Complaints Policy*.
12. The SARA shall record and maintain records of all reported incidents.

**Timelines**

13. The procedures outlined in this Procedure are Event-specific and therefore shall be exercised and implemented as soon as it is reasonable to do so. The final decision of the jury must be reached and communicated to the Parties prior to the conclusion of the event in order for it to be effective.
14. Decisions issued by the jury after the conclusion of the event will not be enforceable.

### Modification History

Date	Nature of Change
January 2024	Approved in full to replace previous related policies and procedures