CODE OF CONDUCT AND ETHICS POLICY

"Organization" refers to: Manitoba Diving Association

UCCMS Definitions

1. The following terms are defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS") and also provided in **Appendix A**:
    a. Consent
    b. Disclosure
    c. Duty to Report
    d. Grooming
    e. Maltreatment
    f. Minor
    g. Neglect
    h. Physical Maltreatment
    i. Power Imbalance
    j. Psychological Maltreatment
    k. Reporting (or Report)
    l. Sexual Maltreatment

Definitions

2. The following terms have these meanings in this Code:
    a. ***Athlete*** – An individual who is an Athlete Participant in the Organization who is subject to the policies of the Organization
    b. ***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; child seems to always be expecting something bad to happen
        iii. Often wears clothing that covers up their skin, even in warm weather
        iv. Child 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 Withdrawn from peers and adults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 either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
        ix. Acting out in an inappropriate sexual way with toys or objects
        x. New adult words for body parts and no obvious source
        xi. Self-harm (e.g., cutting, burning or other harmful activities)
        xii. Not wanting to be alone with a particular child or young person

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:
        1. Sending mean or threatening emails or text/instant messages;
        2. Posting embarrassing photos of someone online
        3. Creating a website to make fun of others
        4. Pretending to be someone else
        5. Tricking someone into sending pictures or videos or revealing personal information
        6. Sending personal information (including pictures and videos) about someone else to a third-party

d. ***Discrimination*** – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability

e. ***Harassment*** – A course of 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 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:

1. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
2. Groups where harassing behaviour is part of the normal course of activities
3. 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 Organization

f. ***Participants*** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers

g. ***Person in Authority*** – Any Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers

h. ***Vulnerable Participants*** – Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority)

i. ***Workplace*** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions

j. ***Workplace Harassment*** – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
    i. Bullying;
    ii. Workplace pranks, vandalism, or hazing;
    iii. Repeated offensive or intimidating phone calls or emails;
    iv. Inappropriate sexual touching, advances, suggestions or requests;
    v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
    vi. Psychological abuse;
    vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
    viii. Deliberately withholding information that would enable a person to do their job, perform or train;
    ix. Sabotaging someone else's work or performance;
    x. Gossiping or spreading malicious rumours;
    xi. Intimidating words or conduct (offensive jokes or innuendos); and
    xii. Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.

k. ***Workplace Violence*** – The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
    i. Verbal or written threats to attack;
    ii. Sending to or leaving threatening notes or emails;
    iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
    iv. Wielding a weapon in a Workplace;
    v. Hitting, pinching or unwanted touching which is not accidental;
    vi. Dangerous or threatening horseplay;
    vii. Physical restraint or confinement;
    viii. Blatant or intentional disregard for the safety or wellbeing of others;
    ix. Blocking normal movement or physical interference, with or without the use of equipment;
    x. Sexual assault; and
    xi. Any attempt to engage in the type of conduct outlined above

Purpose

3. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of the Organization by making Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values and policies. The Organization supports equal opportunity, prohibit 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

4. This Code applies to any Participant's conduct during the business, activities, and events of the Organization including, but not limited to competitions, practices, evaluations, treatment or consultations (e.g., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.

5. This Code also applies to Participants' conduct outside of the business, activities, and events of the Organization when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of the Organization. Such applicability will be determined by the Organization, as applicable, at its sole discretion.

6. 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.

7. 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).

8. 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

9. 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.

10. 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.

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

Responsibilities

12. Participants have a responsibility to:
    a. Refrain from any behaviour that constitutes Maltreatment, Discrimination, Harassment, Workplace Harassment, or Workplace Violence
    b. Maintain and enhance the dignity and self-esteem of other Participants by:
        i. Treating each other with the highest standards of fairness, honesty, 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; and
        v. Ensuring adherence to the rules of the sport and the spirit of those rules.
    c. 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 Organization adopt and adhere to the Canadian Anti-Doping Program. The Organization 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
    d. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, 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
    e. Reasonably cooperate with the CCES or another anti-doping organization that is investigating anti-doping rule violations
    f. Not harass, intimidate or otherwise conduct themselves offensively towards a doping control official or other individual involved in doping control
    g. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
    h. Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of the Organization;
    i. In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or event;

j. In the case of adults, not consume cannabis in the Workplace or in any situation associated with the events of the Organization (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
k. 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.
l. Respect the property of others and not willfully cause damage
m. Promote sport in the most constructive and positive manner possible
n. 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
o. Adhere to all federal, provincial/territorial, municipal and host country laws
p. Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of the Organization, as applicable and as adopted and amended from time to time
q. Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to the Organization, 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

13. In addition to section 12 (above), Directors, Committee Members, and staff of the Organization will have additional responsibilities to:
    a. Function primarily as a Director or Committee Member or staff member of the Organization (as applicable) and not as a member of any other organization or constituency
    b. Ensure their loyalty prioritizes the interests of the Organization
    c. Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
    d. Comply with the *Screening Policy*
    e. Conduct themselves openly, professionally, lawfully and in good faith
    f. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
    g. Behave with decorum appropriate to both circumstance and position
    h. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
    i. Maintain confidentiality of private organizational information

j. Respect the decisions of the majority and resign if unable to do so
k. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
l. Have a thorough knowledge and understanding of all governance documents

Coaches, Instructors, Trainers, and Athlete Support Personnel

14. In addition to section 12 (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 Organization (as applicable), 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 Organization any sexual or intimate relationship with an athlete over the age of majority and 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

15. In addition to section 12 (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, practice, or compete
    c. Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, 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

16. In addition to section 12 (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 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

17. In addition to section 12 (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 practice
    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 – Definitions from the UCCMS

The following definitions of terms are from version 5.1 of the UCCMS and have been adapted by the Organization:

1. ***Consent*** – *Consent* is defined in Canada's *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The *Criminal Code* also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent. Sexual activity with a Minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority

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

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

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

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

5. ***Maltreatment*** – Includes Maltreatment related to:
   a. *Psychological Maltreatment* – which includes, without limitation, verbal acts, non-assaultive physical acts and acts that deny attention or support:
      i. Verbal Acts - Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.
      ii. Non-assaultive Physical Acts (no physical contact) - Physically aggressive behaviours, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others
      iii. Acts that Deny Attention or Support - Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an Athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same
   b. *Physical Maltreatment* – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm

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

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

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

i. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
    1. vaginal penetration by a penis, object, tongue, or finger; and
    2. anal penetration by a penis, object, tongue, or finger

ii. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
    1. kissing;
    2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
    3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
    4. making another touch themselves, the Participant, or someone else with or on any of the body parts listed in b).
    5. any intentional touching in a sexualized manner of the relationship, context or situation

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

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

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

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

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

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

f. *Interference with or Manipulation of Process* – it is considered maltreatment if an adult Participant directly or indirectly interferes with a process by:

i. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;

ii. destroying or concealing information;
iii. attempting to discourage an individual's proper participation in or use of the processes of the Organization;
iv. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of the Organization;
v. publicly disclosing a Participant's identifying information, without the Participant's agreement;
vi. failing to comply with any temporary or provisional measure or other final sanction;
vii. distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
viii. influencing or attempting to influence another person to interfere with or manipulate the process

g) *Retaliation* – which means that a Participant shall not take an adverse action against any person for making a good faith Report of possible Maltreatment or for participating in any process related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of the Organization. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Maltreatment

h) *Aiding and Abetting* – which is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by a Participant. Aiding and Abetting also includes, without limitation, knowingly:
i. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Participants;
ii. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
iii. allowing any person to violate the terms of their suspension or any other sanctions imposed

i) *Reporting* – it is considered Maltreatment to fail to report Maltreatment of a Minor. A legal Duty to Report is mandated by law, and the requirement varies by province depending on provincial legislation.
i. Failure to Report Maltreatment of a Minor
1. The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant. The obligation to Report is an ongoing one and is not satisfied simply by making an initial Report. The obligation includes Reporting, on a timely basis, all

relevant information of which an adult Participant becomes aware

2. The obligation to report includes making a direct Report
3. The obligation to Report includes personally identifying information of a potential Minor Complainant to the extent known at the time of the Report, as well as a duty to reasonably supplement the Report as to identifying information learned at a later time
4. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect. Participants making a good faith Report are not required to prove the Reports are true before Reporting

ii. Failure to Report Inappropriate Conduct

1. Not all inappropriate conduct may meet the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behaviour with the risk of escalating to Maltreatment. Any Participant who suspects or becomes aware of another Participant's inappropriate conduct, even if it is not defined as Maltreatment, has a Duty to Report such inappropriate conduct through the organization's internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures. The person making the report does not need to determine whether a violation took place: instead, the responsibility lies in reporting the objective behaviour.

iii. Intentionally Filing a False Allegation

1. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur
2. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a violation

6. ***Minor*** – Any Participant who is under the age of 18 at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor.

7. ***Neglect*** – Any pattern or a single serious incident of lack of reasonable care, inattention to a Participant's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the Participant's needs and requirements, not whether harm is intended or results from the behaviour. (Neglect is also a prohibited behaviour listed under the definition of Maltreatment)

8. ***Physical Maltreatment*** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the Participant. Physical Maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Physical Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)

9. ***Power Imbalance*** – A Power Imbalance may exist where, based on the totality of the circumstances, a Participant has supervisory, evaluative, a duty of care, or other authority over another Participant. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. Maltreatment occurs when this power is misused. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates or until the Athlete reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).

10. ***Psychological Maltreatment*** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the Participant. Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Psychological Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)

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

12. Sexual Maltreatment

a. **Involving a Child:** Any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact. (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)

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