



## BOARD POLICY

**Policy Section:** Board

**Policy Subsection:** Human Resources

**Policy Title:** Code of Conduct and Ethics (the “Code”)

### Policy Statement

Swimming Natation Canada (the “SNC”) has adopted the [Universal Code of Conduct to Prevent and Address Maltreatment in Sport \(“UCCMS”\)](#), as amended from time to time, which shall be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the Sport Dispute Resolution Centre of Canada (“SDRCC”) shall come into effect immediately upon their adoption by the SDRCC and automatically without the need for any further action by the NSO].

SNC has designated specific OSIC Participants within the SNC as UCCMS Participants. SNC will amend the list of OSIC Participants from time to time.

It is important to note that the Code applies to all Members and Registrants, **but not all Members and Registrants are UCCMS Participants** and subject to the OSIC Process.

### A. Purpose

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and Events of SNC and its Members by making all Members and Registrants aware that there is an expectation, at all times, of appropriate behaviour consistent with the SNC’s core values, mission, and policies.
2. SNC and its Members and Registrants support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

### B. Application – General

3. This Code applies to the conduct of all Members and Registrants during the business, activities, and Events of SNC and its Members 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.
4. This Code also applies to the conduct of all Members and Registrants outside of the business, activities, and Events of SNC and its Members when such conduct adversely affects SNC’s relationships (and the work and sport environment) or is detrimental to the image and reputation of SNC or a Member. Such applicability will be determined by SNC or the relevant Member, as applicable, at its sole discretion.
5. In addition, this Policy will apply to breaches of the Code that occurred when the Member or Registrant 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 Individual(s).



6. This Code applies to Members or Registrants active in the sport, or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Member or Registrant was active in the sport.

### C. Prohibited Behaviours

7. All Members and Registrants must refrain from any behaviour that constitutes a Prohibited Behaviour as defined by the [UCCMS](#) and the Code.
8. Members and Registrants are responsible for knowing what actions or behaviours constitute Prohibited Behaviours and Maltreatment.
9. Prohibited Behaviours under the [UCCMS](#) include, but are not limited to:
  - a) Physical Maltreatment
  - b) Psychological Maltreatment
  - c) Neglect
  - d) Sexual Maltreatment
  - e) Grooming
  - f) Boundary Transgressions
  - g) Discrimination
  - h) Failing to Report
  - i) Aiding and Abetting
  - j) Retaliation
  - k) Interference with or Manipulation of Process
  - l) False Reports

In addition to the Prohibited Behaviours as defined by the UCCMS, this Code sets out other expected standards of behaviour and conduct for all Members and Registrants and any failure to respect these expected standards of behaviour by a Member or Registrant may constitute a breach of this Code.

### D. Responsibilities of Members and Registrants

10. All Members and Registrants have a responsibility to:
  - a) Conduct themselves in a manner consistent with the [True Sport principles](#).
  - b) Refrain from any behaviour that constitutes Maltreatment and Prohibited Behaviour under this Code and the UCCMS.
  - c) Maintain and enhance the dignity and self-esteem of other Members and Registrants by:
    - i. Treating each other with fairness, honesty, respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other Members or Registrants;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct; and



- iv. Ensuring adherence to the rules of the sport and the spirit of those rules.
- d) Refrain from the use of power or authority to coerce another person to engage in inappropriate activities.
- e) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or Events of SNC or a Member.
- f) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or Event.
- g) In the case of individuals who are not Minors, not consume cannabis in the Workplace or in any situation associated with the Events of SNC or a Member (subject to protections under applicable human rights legislation), 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.
- h) When driving a vehicle:
  - i. Have a valid driver's license;
  - ii. Obey traffic laws;
  - iii. Not be under the influence of alcohol or illegal drugs or substances;
  - iv. Have valid car insurance;
  - v. Refrain from engaging in any activity that would constitute distracted driving; and
  - vi. Obey all other local motor vehicle laws.
- i) Respect the property of others and not wilfully cause damage.
- j) Promote sport in the most constructive and positive manner possible.
- k) Refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a para-classification, competition and/or not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition or para-classification. A benefit includes the direct or indirect receipt of money or other anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages.
- l) Adhere to all applicable federal, provincial/territorial, municipal and host country laws.
- m) Comply with the bylaws, policies, procedures, rules, and regulations of SNC, its Members and those of any other sport organization with authority over the Member or Registrant, as applicable, and as adopted and amended from time to time.



## E. Directors, Committee Members, Employees, and Contractors

11. In addition to section D (above), Directors, Committee Members, and employees of SNC and its Members will have additional responsibilities to:

- a) Function primarily as a Director, committee member or employee of SNC or the Member (as applicable) and ensure to prioritize their duty of loyalty to SNC or the Member (and not to any other NSO or group) while acting in this role.
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of a Member or Registrant's confidence.
- c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
- d) Comply with their obligations under the [Screening Policy](#), including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process
- 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 influence their decision-making on behalf of SNC.
- g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
- h) Maintain required confidentiality of organizational information.
- i) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- j) Have a thorough knowledge and understanding of all governance documents.

## F. Athlete Support Personnel

12. In addition to section D (above), Athlete Support Personnel have additional responsibilities.

13. Athlete Support Personnel must understand and respect the inherent Power Imbalance that exists in this relationship and must not abuse it, either consciously or unconsciously.

14. Athlete Support Personnel will:

- a) Avoid any behaviour that abuses the Power Imbalance inherent in the position of the Athlete Support Personnel.
- 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 timeframes 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 Athlete Support Personnel of a training camp, provincial/territorial team, or national team, should an Athlete qualify for participation with one of these programs.
- f) Comply with all established responsibilities and obligations as set out by the Athlete Support Personnel's professional governing association or order, if any.
- g) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate.
- h) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.
- i) Act in the best interest of the Athlete's development as a whole person.
- j) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under this *Policy* and fully cooperating in the screening process.
- k) 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.
- l) Respect competitor Athletes and, in dealings with them, not encroach upon topics or take actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes.
- m) When a Power Imbalance exists, not engage in a sexual or intimate relationship with an Athlete of any age.
- n) Disclose to SNC or the Member (as applicable) any sexual or intimate relationship with an Athlete over the age of majority and, if requested by SNC, immediately discontinue any coaching involvement with that Athlete
- o) Recognize the power inherent in the position of Athlete Support Personnel and respect and promote the rights of all Members and Registrants 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 Members and Registrants who are in a vulnerable or dependent position and less able to protect their own rights.
- p) Dress professionally and use appropriate language.



## G. Athletes

15. In addition to section D (above), Athletes will have additional responsibilities to:

- a) Follow 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, professionalism, and equipment.
- f) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by Athlete Support Personnel.

## H. Officials

16. In addition to section D (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes
- b) Not publicly criticize other Members or Registrants
- c) Adhere at all times to the rules of their international federation and any other sport NSO that has relevant and applicable authority.
- d) Place the safety and welfare of competitors, and the fairness of the competition above all else
- e) Strive to provide a fair sporting environment, and at no time engage in Maltreatment or Prohibited Behaviour toward any person on the field of play
- f) Respect the terms of any agreement that they enter with SNC or a Member
- g) Work within the boundaries of their position's description while supporting the work of other officials.
- h) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations.
- i) Take ownership of actions and decisions made while officiating.
- j) Respect the rights, dignity, and worth of all Members and Registrants.
- k) Act openly, impartially, professionally, lawfully, and in good faith.



- l) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others.
- m) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Members or Registrants.
- n) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under this *Policy* and fully cooperating in the screening process
- o) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or SNC or the Member at the earliest possible time.
- p) When writing reports, set out the actual facts to the best of their knowledge and recollection
- q) Dress in proper attire for officiating

#### I. Parents/Guardians and Spectators

17. In addition to section D (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 Member or Registrant 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 stop and prevent verbal and physical abuse, coercion, intimidation, and excessive sarcasm.
  - f) Respect and show appreciation to all competitors, and to coaches, officials and other volunteers
  - g) Never harass Members or Registrants, competitors, Athlete Support Personnel, officials, parents/guardians, or other spectators.
- a) Never encourage, aid, covert up or assist an Athlete in cheating through doping, competition manipulation or other cheating behaviors.

#### J. Members and Clubs

18. Members and Clubs must:

- a) Adhere to all the SNC's governing documents and policies, and, when required, amend their own rules to comply or align with those of SNC.
- b) Pay all required dues and fees by the prescribed deadlines.
- c) Ensure that all Athletes and coaches participating in sanctioned competitions and Events of SNC are registered and in good standing.



- d) Appropriately screen prospective employees to help ensure Athletes have a healthy and safe sport environment.
- e) Ensure that any possible or actual misconduct is investigated promptly and thoroughly.
- f) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated.
- g) Advise SNC immediately of any situation where a complainant has publicized a complaint in the media (including social media) or similar technology/platform.
- h) Provide SNC with a copy of all decisions rendered pursuant to the SNC's policies for complaints and appeals.
- i) Implement any decisions and disciplinary sanctions imposed pursuant to SNC, any Member or Club's discipline process.

### Anti-Doping<sup>1</sup>

19. SNC and its Members adopt and adhere to the Canadian Anti-Doping Program. SNC and its Members will respect any sanction imposed on an Individual as a result of a breach of the [Canadian Anti-Doping Program](#) or any other applicable Anti-Doping Rules.

20. All Members and Registrants shall:

- a) 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.
- b) 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
- c) Cooperate with any Anti-Doping organization that is conducting an investigation into any anti-doping rule violation(s)
- d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program
- e) All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under SNC or a Member's jurisdiction.

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<sup>1</sup> Any capitalized terms used in this Anti-Doping section shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.





## Retaliation, Retribution or Reprisal

21. It is a breach of this *Code of Conduct and Ethics* for any Member or Registrant to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Member or Registrant from filing, in good faith, a complaint pursuant to any SNC policy. It is also a breach of this *Code of Conduct and Ethics* for a Member or Registrant to file a complaint for the purpose of retaliation, retribution or reprisal against any other Member or Registrant. Any Member or Registrant found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

## Privacy

22. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SNC's [Privacy Policy](#).

## K. Definitions

23. Terms in this Code are defined as follows:

- a) **Athlete** – An individual who is an Athlete Registrant in SNC who is subject to the policies of SNC and to this Code.
- b) **Athlete Support Personnel** - Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition.
- c) **Bullying** – Offensive behaviour and/or abusive treatment of a Member or Registrant that typically, but not always, involves an abuse of power.
- d) **Event** – an event sanctioned by SNC or a Member, and which may include a social Event
- e) **Harassment** – A course of vexatious comment or conduct against a Member or Registrant or group, which is known or ought reasonably to be known to be unwelcome.
- f) **Member** – Refers to the Members of SNC per [SNC's By-laws](#).
- g) **NSO** – Swimming/Natation Canada
- h) **OSIC** – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- i) **Registrant** – Refers to all categories of individual members and/or registrants defined in the By-laws of SNC who are subject to the policies of SNC, as well as all people employed by, contracted by, or engaged in activities with SNC including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, or directors and officers.
- j) **Person in Authority** – Any Member or Registrant who holds a position of authority within SNC including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, or Directors and Officers.



- k) **Power Imbalance** – as defined in the UCCMS
- l) **UCCMS** – Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC
- m) **UCCMS Participant** – A designated OSIC participant affiliated with SNC who has been a) designated by the NSO and b) who has signed the required consent form. UCCMS Participants may include an Athlete, a coach, an official, an Athlete Support Personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing SNC in any capacity.
- n) **Vulnerable Participant** – as defined in the UCCMS
- o) **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.
- p) **Workplace Harassment** – A course of vexatious comment or conduct against a Member, Registrant or Staff 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.
- q) **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.

## Review and Approval

Review and Approval: December 6, 2022