



## LONDON AQUATIC CLUB CODE OF CONDUCT AND ETHICS

*The London Aquatic Club 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 London Aquatic Club 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

### Definitions

2. 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 Withdrawn from peers and adults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 London Aquatic Club who is subject to the policies of the London Aquatic Club 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 London Aquatic Club.
- e) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the London Aquatic Club who are subject to the policies of the London Aquatic Club, as well as all people employed by, contracted by, or engaged in activities with, the London Aquatic Club including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.
- f) **Person in Authority** – Any Participant who holds a position of authority within the London Aquatic Club including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- g) **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.

### **Purpose**

3. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of the London Aquatic Club by making Participants aware that there is an expectation, at all times, of appropriate behaviour. The London Aquatic Club 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**

4. This Code applies to any Participant's conduct during the business, activities, and events of the London Aquatic Club including, but not limited to competitions, training sessions, evaluations, 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 London Aquatic Club when such conduct adversely affects the London Aquatic Club's relationships (and the work and sport environment) or is detrimental to the image and reputation of the London Aquatic Club. Such applicability will be determined by the London Aquatic Club 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 *Complaint, Discipline and Appeal Policy*. In addition to facing possible sanctions pursuant to the *Complaint, Discipline and Appeal 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 or hiring a coach, team staff member, or Director who has a past history of Maltreatment to be in a position of authority.

### **Responsibilities**

12. All Participants have a responsibility to:
  - a) Refrain from any behaviour that constitutes Maltreatment, Discrimination, Abuse, or Harassment, and any other Prohibited Behaviour (see **Appendix A**) 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) Refrain from the use of power or authority in an attempt 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 the London Aquatic Club.
- f) In the case of minors, not consume alcohol, tobacco, or cannabis at any competition or event.
- g) In the case of adults, not consume cannabis in the workplace or in any situation associated with the events of the London Aquatic Club (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 and cannabis in adult-oriented social situations.
- h) 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.
- 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 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.
- l) Adhere to all applicable federal, provincial/territorial, municipal and host country laws.
- m) Comply, at all times, with the By-laws, policies, Polycys, and rules and regulations of the London Aquatic Club, as applicable and as adopted and amended from time to time.
- n) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to the London Aquatic Club, 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 London Aquatic Club will have additional responsibilities to:
- a) Function primarily as a Director, committee member or staff member of the London Aquatic Club (as applicable) and ensure to prioritize their loyalty to the London Aquatic Club (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*, when applicable.
  - d) Conduct themselves openly, professionally, lawfully and in good faith.
  - e) Be independent, mature 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

14. In addition to section 12 (above), coaches have many additional responsibilities. The Coach-Athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the Athlete. Coaches must understand and respect the inherent Power Imbalance that exists in this relationship and must be extremely careful not to abuse it, either consciously or unconsciously. Coaches will:

- a) Avoid any behaviour that abuses the Power Imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an Athlete that 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) Where possible, 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) Where possible, 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*, when applicable.
- j) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions to the London Aquatic Club, 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 a minor when the coach is in a position of trust or authority.
- o) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following Policies for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- p) Dress appropriately 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, 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 appropriately to represent the sport and themselves.
  - g) Act in accordance with applicable policies and Policies 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 or the London Aquatic Club 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 training session.
  - d) Respect the decisions and judgments of officials and coaches, 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, Directors, volunteers, team staff or other spectators.

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

18. The London Aquatic Club adopts and adheres to the Canadian Anti-Doping Program. The London Aquatic Club 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.
19. All Participants 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.
20. 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 the London Aquatic Club's jurisdiction.

### **Retaliation, Retribution or Reprisal**

21. It is a breach of this *Code of Conduct and Ethics* for any Participant to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that individual from filing, in good faith, a report pursuant to any policy of the London Aquatic Club. It is also a breach of this *Code of Conduct and Ethics* for an individual to file a report for the purpose of retaliation, retribution or reprisal against any other individual. Any individual 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.

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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.





## **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.