

**SAFE SPORT  
POLICY MANUAL**

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<u>Policy Title</u>	<u>Date of Last Review</u>
Safe Sport	2019
Code of Conduct and Ethics	2019
Abuse	2019
Investigations - Discrimination, Harassment and Abuse	2019
Discipline and Complaints	2019
Dispute Resolution	2019
Appeal	2019
Whistleblower	2019
Event Discipline	2019
Social Media	2019
Screening	2019
Risk Management	2019
Athlete Protection Guidelines	2019

# SAFE SPORT POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Organization”* – NWT Swimming
  - b) *“Individuals”* – Individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of the Organization
  - c) *“Person in Authority”* – An Individual who holds a position of authority within the Organization including, but not limited to, coaches, managers, support personnel, chaperones, and Directors

## Purpose

2. This Policy describes how the Organization aims to provide a safe sport environment.

## Commitment to True Sport Principles

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

## Pledge

4. The stakeholders, members, and leaders of the Organization are expected to live the True Sport Principles and the Organization pledges to embed the True Sport Principles in its governance and operations in the following ways:
  - a) **Conduct Standards** – the Organization will adopt comprehensive conduct standards that are expected to be followed by Individuals
  - b) **Athlete Protection** – the Organization will provide coaches and other stakeholders with general and sport-specific athlete protection guidelines
  - c) **Dispute Resolution and Investigations** – the Organization will have dispute resolution processes that are confidential and procedurally fair and that require independent investigation for certain alleged violations of the conduct standards
  - d) **Strategy** – the Organization will have strategic plans that reflect the organization’s mission, vision, and values
  - e) **Governance** – the Organization will have a diverse blend of sport leaders and will adhere to principles of good governance
  - f) **Risk Management** – the Organization will intentionally manage risks to its operations and events through the use of risk management plans and/or risk registries

## Conduct Standards

5. The Organization will adopt a *Code of Conduct and Ethics* that describes standards of conduct and behaviour

for all Individuals. General standards of conduct will apply to all Individuals and specific standards will be described for positions within the organization. The *Code of Conduct and Ethics* will have specific sections, including but not limited, to:

- a) Athletes
- b) Coaches
- c) Officials
- d) Directors and Committee Members
- e) Parents and Spectators

6. The *Code of Conduct and Ethics* will contain detailed definitions of key terms, including:

- a) Harassment
- b) Sexual Harassment
- c) Workplace Harassment
- d) Workplace Violence
- e) Discrimination
- f) Hazing

7. The *Code of Conduct and Ethics* will include the following definition of Hazing:

- a) Hazing is a form of conduct that exhibits a potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability

8. The Organization will adopt an *Abuse Policy* that will define "vulnerable individuals" and describe the types of abuse (e.g., Physical Abuse, Sexual Abuse, Emotional Abuse, and Neglect) that vulnerable individuals may be subjected to.

#### *Anti-Doping*

9. The *Code of Conduct and Ethics* will indicate that the Organization adopts and adheres to the Canadian Anti-Doping Program.

#### *Social Media*

10. The Organization will adopt a *Social Media Policy* that describes standards of conduct that are expected on social media by Individuals. The *Social Media Policy* will indicate specific conduct standards and risks that are common and/or exclusive to social media.

11. The *Social Media Policy* will highlight the importance of responsible coach-athlete interaction on social media and will provide examples of violations of conduct standards.

#### **Athlete Protection**

##### *Screening*

12. The Organization will adopt a comprehensive *Screening Policy* that requires some Individuals to pass a screening process before being permitted to interact with athletes. The *Screening Policy* will:

- a) Categorize positions in the organization as 'Low Risk', 'Medium Risk', and 'High Risk' and require progressive screening measures for individuals serving in each category of risk
- b) Describe how frequently some Individuals must obtain a police records check and which type of check(s) they must obtain

- c) Describe how frequently some Individuals must submit Screening Disclosure Forms and Screening Renewal Forms
  - d) Empower a Screening Committee to prohibit Individuals who do not pass screening from participating in certain positions
  - e) Empower a Screening Committee to attach conditions to an Individual's participation in certain positions
13. The Organization will develop general and sport-specific *Athlete Protection Guidelines* that can be used by coaches, managers, medical personnel, and other persons in authority. the Organization may provide training on the guidelines and take steps to ensure the guidelines are being implemented. The Organization will conduct a regular review of the guidelines to add and/or modify new guidelines as appropriate.

#### *Resources*

14. The Organization will regularly provide information to Individuals about resources and training related to athlete protection. Resources and training opportunities can include:
- a) [NCCP modules](#)
  - b) [Respect in Sport](#)

#### *Athlete Engagement*

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

#### **Dispute Resolution**

16. The Organization will have a comprehensive suite of dispute resolution policies that will include:
- a) *Discipline and Complaints Policy*
  - b) *Appeal Policy*
  - c) *Dispute Resolution Policy*
  - d) *Investigations Policy*
  - e) *Event Discipline Procedure*
  - f) *Whistleblower Policy*
17. Taken together, the suite of dispute resolution policies will include the following features:
- a) Sanctions for violations of conduct standards
  - b) Mechanism for suspension of individuals pending the conclusion of the process
  - c) Non-biased and experienced case managers, decision-makers and/or investigators
  - d) Protection from reprisal for submitting complaints
  - e) Anonymity for the complainant in cases of whistleblowers
  - f) Independency of appeal procedures (when appeals are permitted)
  - g) Opportunity for alternate dispute resolution
  - h) Investigations of certain complaints (e.g., when required by law and/or when the complaint involves harassment, abuse, or discrimination)
  - i) In-event discipline procedures (when an event does not have its own disciplinary procedures)

#### *Reporting Obligations*

18. The policies of the Organization will include requirements that certain complaints must be reported to government entities, local police forces, and/or child protection agencies.

*Records*

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

**Governance and Operations**

20. The Organization will have a comprehensive Strategic Plan in which athlete protection and safe sport are top priorities for the organization.

21. The Organization will adopt a *Risk Management Policy* that will describe how the organization will address risks ranging from 'Unlikely' to 'Almost Certain' and from 'Minor' to 'Catastrophic'. The Organization will contemplate risk management strategies that retain, reduce, transfer, and/or avoid the risk. Risks can occur in the following areas:

- a) Operational/Program
- b) Compliance
- c) Communication
- d) External
- e) Governance
- f) Financial
- g) Health and Safety

22. The Organization will pursue a governance structure that reflects the diversity of the athletes and stakeholders within the sport, that adheres to all applicable federal and/or territorial legislation, and that moves toward a national alignment strategy for the sport in Canada.

23. The Organization will continually monitor and evaluate its policies, practices, and procedures.

## CODE OF CONDUCT AND ETHICS

### Definitions

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

- a) *“Organization”* – NWT Swimming
- b) *“Individuals”* – Individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of the Organization
- c) *“Workplace”* - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the Organization’s office, work-related social functions, work assignments outside the Organization’s offices, work-related travel, the training and competition environment, and work-related conferences or training sessions
- d) *“Abuse”* – As defined in the Organization’s *Abuse Policy*
- e) *“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.
- f) *“Harassment”* – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably 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. 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
  - xiii. Retaliation or threats of retaliation against a person who reports harassment to the Organization.
- g) *“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, bullying 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 his or her 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 should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
- h) *"Sexual Harassment"* – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- i. Sexist jokes;
  - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - iii. Offering a benefit in exchange for a sexual favour;
  - iv. Demanding hugs;
  - v. Bragging about sexual ability;
  - vi. Leering (persistent sexual staring);
  - vii. Sexual assault;
  - viii. Display of sexually offensive material;
  - ix. Distributing sexually explicit messages or attachments such as pictures or video files;
  - x. Sexually degrading words used to describe an Individual;
  - xi. Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;
  - xii. Inquiries or comments about an Individual's sex life;
  - xiii. Persistent, unwanted attention after a consensual relationship ends;
  - xiv. Persistent unwelcome sexual flirtations, advances, or propositions; and
  - xv. Persistent unwanted contact.
- i) *"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 violence; and
- xi. Any attempt to engage in the type of conduct outlined above.

### **Purpose**

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

### **Application of this Code**

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

### **Responsibilities**

- 7. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of the Organization's members and other individuals by:
    - i. Treating each other with the highest standards of respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
    - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
    - v. Consistently treating individuals fairly and reasonably; and



- vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, or Discrimination
- c) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the Organization adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to the Organization's *Discipline and Complaints Policy*. the Organization will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Organization or any other sport organization
- d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES)
- e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
- f) Refrain from consuming tobacco products, or recreational drugs while participating in the Organization's programs, activities, competitions, or events
- g) In the case of minors, not consume alcohol, tobacco, or cannabis at any competition or event;
- h) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the Organization's events (subject to any requirements for accommodation), not consume alcohol during competitions and in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the Organization's events
- i) Respect the property of others and not wilfully cause damage
- j) Promote the sport in the most constructive and positive manner possible
- k) When driving a vehicle with an Individual:
  - i. Not have his or her license suspended;
  - ii. Not be under the influence of alcohol or illegal drugs or substances; and
  - iii. Have valid car insurance
- l) Adhere to all federal, provincial, municipal and host country laws
- m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition
- n) Comply, at all times, with the Organization's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

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

8. In addition to section 7 (above), the Organization's Directors, Committee Members, and Staff will have additional responsibilities to:
  - a) Function primarily as a Director or Committee Member or Staff Member of the Organization; not as a member of any other member or constituency
  - b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the Organization's business and the maintenance of Individuals' confidence
  - c) Ensure that the Organization's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - d) Conduct themselves transparently, professionally, lawfully and in good faith in the best interests of the Organization
  - e) Be independent, impartial, and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism

- f) Behave with decorum appropriate to both circumstance and position
- g) Keep informed about the Organization's activities, the sport community, and general trends in the sectors in which it operates
- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the Organization is incorporated
- i) Respect the confidentiality appropriate to issues of a sensitive nature
- j) Respect the decisions of the majority and resign if unable to do so
- k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
- l) Have a thorough knowledge and understanding of all the Organization's governing documents
- m) Conform to the bylaws and policies approved by the Organization

### Coaches

9. In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes
  - b) 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
  - c) 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
  - d) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs
  - e) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
  - f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
  - g) Act in the best interest of the athlete's development as a whole person
  - h) Comply with the Organization's *Screening Policy*, if applicable
  - i) Report to the Organization any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
  - j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol, cannabis, and/or tobacco
  - k) Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes
  - l) Not engage in a sexual relationship with an athlete under the age of majority;
  - m) Disclose any sexual or intimate relationship with an athlete over the age of majority to the Organization and immediately discontinue any coaching involvement with that athlete;
  - n) 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
  - o) Dress professionally, neatly, and inoffensively

- p) Use inoffensive language, taking into account the audience being addressed

### **Athletes**

10. In addition to section 7 (above), athletes will have additional responsibilities to:
- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
  - b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
  - c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
  - d) Adhere to the Organization's rules and requirements regarding clothing and equipment
  - e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators
  - f) Dress to represent the sport and themselves well and with professionalism
  - g) Act in accordance with the Organization's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

11. In addition to section 7 (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 or any club or association;
  - c) Work within the boundaries of their position's description while supporting the work of other officials
  - d) Act as an ambassador of the Organization by agreeing to enforce and abide by national and provincial rules and regulations
  - e) Take ownership of actions and decisions made while officiating
  - f) Respect the rights, dignity, and worth of all Individuals
  - g) Not publicly criticize other officials or any club or association
  - h) Act openly, impartially, professionally, lawfully, and in good faith
  - i) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
  - j) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals
  - k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time
  - l) When writing reports, set out the actual facts
  - m) Dress in proper attire for officiating

### **Parents/Guardians and Spectators**

12. In addition to section 7 (above), parents/guardians and spectators at events will:
- a) Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
  - b) Condemn the use of violence in any form
  - c) Never ridicule a participant for making a mistake during a performance or practice
  - d) Provide positive comments that motivate and encourage participants' continued effort
  - e) Respect the decisions and judgments of officials, and encourage athletes to do the same
  - f) Never question an official's or staff member's judgment or honesty
  - g) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
  - h) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
  - i) Not harass competitors, coaches, officials, parents/guardians, or other spectators

# ABUSE POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Organization”* – NWT Swimming
  - b) *“Vulnerable Individuals”* – Includes Children / Youth (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);
  - c) *“Individuals”* – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of the Organization; and
  - d) *“Abuse”* – Child/Youth Abuse or Vulnerable Adult Abuse as described in this Policy.

## Purpose

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

## Zero Tolerance Statement

3. The Organization has zero tolerance for any type of abuse. Individuals are required to report instances of abuse or suspected abuse to the Organization to be immediately addressed under the terms of the applicable policy.

## Education – What is Abuse

4. Vulnerable Individuals can be abused in different forms.
5. The following description of Child / Youth Abuse has been modified and adapted from Ecclesiastical’s *Guidelines for Developing a Safety & Protection Policy for Children / Youth / Vulnerable Adults* [1]:

### *Child / Youth Abuse*

6. “Child abuse” refers to the violence, mistreatment or neglect that a child or adolescent may experience while in the care of someone they depend on or trust. There are many different forms of abuse and a child may be subjected to more than one form:
  - a) **Physical abuse** involves single or repeated instances of deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon. It also includes holding a child under water, or any other dangerous or harmful use of force or restraint.
  - b) **Sexual abuse** and exploitation involve using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.
  - c) **Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and well being. For example, neglect includes failing to provide a dependent child with food, clothing, shelter, cleanliness, medical care, or protection from harm.

- d) **Emotional abuse** involves harming a child's sense of self-worth. It includes acts (or omissions) that result in, or place a child at risk of, serious behavioural, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes exposing the child to violence.
7. An abuser may use a number of different tactics to gain access to children, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. The abuse may happen once, or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.
8. Abuse of children or youth in sport can include emotional maltreatment, neglect, and physical maltreatment.
- a) **Emotional Maltreatment** – A coach's failure to provide a developmentally-appropriate and supportive environment. Emotional abuse is at the foundation of all other forms of maltreatment (sexual, physical and neglect). In sports, this conduct has the potential to cause emotional or psychological harm to an athlete when it is persistent, pervasive or patterned acts (i.e., yelling at an athlete once does not constitute maltreatment). Examples of emotional maltreatment include:
- i. Refusal to recognize an athlete's worth or the legitimacy of an athlete's needs (including complaints of injury/pain, thirst or feeling unwell)
  - ii. Creating a culture of fear, or threatening, bullying or frightening an athlete
  - iii. Frequent name-calling or sarcasm that continually "beats down" an athlete's self-esteem
  - iv. Embarrassing or humiliating an athlete in front of peers
  - v. Excluding or isolating an athlete from the group
  - vi. Withholding attention
  - vii. Encouraging an athlete to engage in destructive and antisocial behaviour, reinforcing deviance, or impairing an athlete's ability to behave in socially appropriate ways
  - viii. Over-pressuring; whereby the coach imposes extreme pressure upon the athlete to behave and achieve in ways that are far beyond the athlete's capabilities
  - ix. Verbally attacking an athlete personally (e.g., belittling them or calling them worthless, lazy, useless, fat or disgusting).
  - x. Routinely or arbitrarily excluding athletes from practice
  - xi. Using conditioning as punishment
  - xii. Throwing sports equipment, water bottles or chairs at, or in the presence of, athletes
  - xiii. Body shaming – making disrespectful, hurtful or embarrassing comments about an athlete's physique
- b) **Neglect** - acts of omission (i.e., the coach should act to protect the health/well-being of an athlete but does not). Examples of neglect include:
- i. Isolating an athlete in a confined space or stranded on equipment, with no supervision, for an extended period
  - ii. Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep
  - iii. Ignoring an injury
  - iv. Knowing about sexual abuse of an athlete but failing to report it
- c) **Physical Maltreatment** - involves contact or non-contact behaviour that can cause physical harm to an athlete. It also includes any act or conduct described as physical abuse or misconduct (e.g., child abuse, child neglect and assault). Almost all sport involves strenuous physical activity. Athletes regularly push themselves to the point of exhaustion. However, any activity that physically harms an athlete—such as extreme disciplinary actions or punishment—is unacceptable. Physical

maltreatment can extend to seemingly unrelated areas including inadequate recovery times for injuries and restricted diet. Examples of physical maltreatment include:

- i. Punching, beating, biting, striking, choking or slapping an athlete
- ii. Intentionally hitting an athlete with objects or sporting equipment
- iii. Providing alcohol to an athlete under the legal drinking age
- iv. Providing illegal drugs or non-prescribed medications to any athlete
- v. Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury (e.g., a concussion)
- vi. Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of an athlete
- vii. Forcing an athlete to assume a painful stance or position for no athletic purpose, or excessive repetition of a skill to the point of injury
- viii. Using excessive exercise as punishment (e.g., stretching to the point of causing the athlete to cry, endurance conditioning until the athlete vomits)

9. Importantly, emotional and physical maltreatment does not include professionally-accepted coaching methods (per the NCCP) of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.

10. Potential warning signs of abuse of children or youth can include[2][3]:

- a) Recurrent unexplained injuries
- b) Alert behaviour; child seems to always be expecting something bad to happen
- c) Often wears clothing that covers up their skin, even in warm weather
- d) Child startles easily, shies away from touch or shows other skittish behaviour
- e) Constantly seems fearful or anxious about doing something wrong
- f) Withdrawn from peers and adults
- g) Behavior fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
- h) Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
- i) Acting out in an inappropriate sexual way with toys or objects
- j) New adult words for body parts and no obvious source
- k) Self-harm (e.g., cutting, burning or other harmful activities)
- l) Not wanting to be alone with a particular child or young person

#### *Vulnerable Adult Abuse*

11. Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age, or old age – the nature and consequences of abuse may differ depending on an individual's situation, disability, or circumstance.

12. The following description of Vulnerable Adult Abuse has been modified and adapted from Ecclesiastical's *Guidelines for Developing a Safety & Protection Policy for Children / Youth / Vulnerable Adults* [1].

13. Abuse of vulnerable adults is often described as a misuse of power and a violation of trust. Abusers may use a number of different tactics to exert power and control over their victims. Abuse may happen once, or it may occur in a repeated and escalating pattern over months or years. The abuse may take many different forms, which may change over time:

- a) **Psychological abuse** includes attempts to dehumanize or intimidate vulnerable adults. Any verbal or non-verbal act that reduces their sense of self-worth or dignity and threatens their psychological and emotional integrity is abuse. This type of abuse may include, for example

- i. Threatening to use violence
  - ii. Threatening to abandon them
  - iii. Intentionally frightening them
  - iv. Making them fear that they will not receive the food or care they need
  - v. Lying to them
  - vi. Failing to check allegations of abuse against them
- b) **Financial abuse** encompasses financial manipulation or exploitation, including theft, fraud, forgery, or extortion. It includes using a vulnerable adult's money or property in a dishonest manner or failing to use a vulnerable adult's assets for their welfare. Abuse occurs any time someone acts without consent in a way that financially or personally benefits one person at the expense of another. This type of abuse against a vulnerable adult may include, for example:
- i. Stealing their money, disability cheques, or other possessions
  - ii. Wrongfully using a Power of Attorney
  - iii. Failing to pay back borrowed money when asked
- c) **Physical abuse** includes any act of violence – whether or not it results in physical injury. Intentionally inflicting pain or injury that results in either bodily harm or mental distress is abuse. Physical abuse may include, for example:
- i. Beating
  - ii. Burning or scalding
  - iii. Pushing or shoving
  - iv. Hitting or slapping
  - v. Rough handling
  - vi. Tripping
  - vii. Spitting
- d) All forms of sexual abuse are also applicable to vulnerable adults

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

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

### **Preventing Abuse**

15. The Organization will enact measures aimed at preventing abuse. These measures include screening, orientation, training, practice, and monitoring.

#### *Screening*

16. Individuals who coach, volunteer, officiate, deliver developmental programs, are affiliated with Territorial teams, accompany a team to an event or competition, are paid staff, or otherwise engage with Vulnerable Individuals involved with the Organization will be screened according to the organization's *Screening Policy*.
17. The Organization will use the *Screening Policy* to determine the level of trust, authority, and access that each Individual has with Vulnerable Individuals. Each level of risk will be accompanied by increased screening procedures which may include the following, singularly or in combination:

- a) Completing an Application Form for the position sought (which includes alerting Individuals that they must agree to adhere with the organization's policies and procedures (including this *Abuse Policy*))
- b) Completing a Screening Declaration Form
- c) Providing letters of reference
- d) Providing a Criminal Record Check ("CRC") and/or Vulnerable Sector Check ("VSC")
- e) Providing a driver's abstract (for Individuals who transport Vulnerable Individuals)
- f) Other screening procedures, as required

18. An Individual's failure to participate in the screening process or pass the screening requirements as determined by a Screening Committee, will result in the Individual's ineligibility for the position sought.

#### *Orientation and Training*

19. The Organization will deliver orientation and training to those Individuals who have access to, or interact with, Vulnerable Individuals. The orientation and training, and their frequency, will be based on the level of risk, as described in the *Screening Policy*.

20. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or period of engagement.

21. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.

22. At the conclusion of the orientation and training, Individuals will be required to acknowledge, in written form, that they have received and completed the training.

#### *Practice*

23. When Individuals interact with Vulnerable Individuals, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:

- a) Limiting physical interactions to non-threatening or non-sexual touching (e.g., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
- b) Ensuring that Vulnerable Individuals are always supervised by more than one adult
- c) Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power onto one Individual)
- d) Including parents/guardians in all communication (e.g., electronic, telephonic) with Vulnerable Individuals
- e) Ensuring that parents/guardians are aware that some non-personal communication between Individuals and Vulnerable Individuals (e.g., coaches and athletes) may take place electronically (e.g., by texting) and that this type of communication is now considered to be commonplace, especially with older Vulnerable Individuals (e.g., teenagers). Individuals are aware that such communication is subject to the Organization's *Code of Conduct and Ethics* and *Social Media Policy*.
- f) When traveling with Vulnerable Individuals, the Individual will not transport Vulnerable Individuals without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.

#### *Monitoring*

24. The Organization will regularly monitor those Individuals who have access to, or interact with, Vulnerable Individuals. The monitoring will be based on the level of risk, as described in the *Screening Policy*.



25. Monitoring may include, but is not limited to: regular status reports, logs, supervisor meetings, supervisor on-site check-ins, feedback provided directly to the organization (from peers and parents/athletes), and regular evaluations.

### **Reporting Abuse**

26. Reports of abuse that are shared confidentially with an Individual by a Vulnerable Individual may require the Individual to report the incident to parents/guardians, the Organization or police. Individuals must respond to such reports in a non-judgemental, supportive and comforting manner but must also explain that the report may need to be escalated to the proper authority or to the Vulnerable Individual's parent/guardian.

27. Complaints or reports that describe an element of **abuse** will be addressed by the process(es) described in the Organization's *Discipline and Complaints Policy* and the *Investigations Policy - Discrimination, Harassment and Abuse*.

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[1] Retrieved from: [https://www.ecclesiastical.ca/guidelines\\_developsafetyprotectionpolicy\\_children-youths-vulnerableadults\\_faith/](https://www.ecclesiastical.ca/guidelines_developsafetyprotectionpolicy_children-youths-vulnerableadults_faith/)

[2] Adapted from: <https://www.all4kids.org/2014/03/04/warning-signs-child-abuse-neglect/>

[3] Adapted from: [https://www.parentsprotect.co.uk/warning\\_signs.htm](https://www.parentsprotect.co.uk/warning_signs.htm)

# INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND ABUSE

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Discipline Chair*” – An individual or individuals appointed to be the first point-of-contact for all discipline and complaint matters reported to the Organization, per the *Discipline and Complaints Policy*
  - c) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of the Organization
  
2. The following terms have the meanings as defined in the Organization’s *Code of Conduct and Ethics*:
  - a) Harassment
  - b) Discrimination
  - c) Workplace Harassment
  - d) Sexual Harassment
  - e) Workplace Violence
  
3. The following terms have the meanings as defined in the Organization’s *Abuse Policy*:
  - a) Abuse

## Purpose

4. The Organization is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse within its operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse and how the Organization will investigate those reports.

## Determination and Disclosure

5. When a complaint is submitted per the Organization’s *Discipline and Complaints Policy*, the Discipline Chair will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
  
6. The Organization will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

## Investigation

7. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Chair will also appoint an Investigator to investigate the allegations.
  
8. The Investigator may be a representative of the Organization or a Director or may be an independent third-party skilled in investigating claims of harassment. The Investigator must not be in a conflict of interest situation and should have no connection to either party.

9. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the complaint.
10. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Complainant interviewed;
  - b) Witnesses interviewed;
  - c) Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - d) Statement delivered to Respondent;
  - e) Respondent interviewed;
  - f) Witnesses interviewed; and
  - g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

### **Investigator's Report**

11. Per timelines determined by the Discipline Chair, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.
12. The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
13. The Investigator's Report will be provided to the parties with the names and identifying details of any witnesses redacted. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of the Organization.
14. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant to refer the matter to police. The Investigator will further inform the Organization that the matter should be directed to the police.
15. The Investigator must also inform the Organization of any findings of criminal activity. The Organization may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against the Organization, or other offences where the lack of reporting would bring the Organization into disrepute.
16. The Discipline Chair or the Discipline Panel, as applicable, shall consider the Investigator's Report, in addition to submissions from the parties, prior to deciding on the complaint.

### **Reprisal and Retaliation**

17. An individual who submits a complaint to the Organization, or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that individual will have cause to submit a complaint.

### **False Allegations**

18. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of the Organization's *Discipline and Complaints Policy* with the

Organization, or the individual against whom the false allegations were submitted, acting as the Complainant.

**Confidentiality**

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

## DISCIPLINE AND COMPLAINTS POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Case Manager*” – An individual appointed by the Discipline Chair to administer certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the Organization
  - c) “*Complainant*” – The Party making a complaint
  - d) “*Days*” – Days including weekends and holidays
  - e) “*Discipline Chair*” – An individual or individuals appointed to be the first point-of-contact for all discipline and complaint matters reported to the Organization
  - f) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of the Organization, spectators, and parents/guardians of athletes
  - g) “*Respondent*” – The Party responding to the complaint

### Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Organization’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Discipline Chair

3. The Discipline Chair will be a Director of the Board, or an individual appointed by the Board (or designate) handle the duties of the Discipline Chair. The Board (or designate) may choose to appoint three (3) individuals to serve as Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.
4. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

### Application of this Policy

5. This Policy applies to all Individuals.
6. This Policy applies to matters that may arise during the Organization’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Organization’s activities, and any meetings.
7. This Policy also applies to Individuals’ conduct outside of the Organization’s business, activities, and events when such conduct adversely affects relationships within the Organization (and its work and sport environment), is detrimental to the image and reputation of the Organization, or upon the acceptance of the Organization. Applicability will be determined by the Organization at its sole discretion.
8. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.

9. An employee of the Organization who is a Respondent will be subject to appropriate disciplinary action per the Organization's policies for human resources well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

### **Alignment**

10. The Organization recognizes that Individuals may also be registered with Provincial Organizations and/or Member Clubs. The Organization requires that Provincial Organizations and/or Member Clubs to submit discipline decisions involving Individuals to the Organization and the Organization, at its discretion, may take further action.
11. If the Organization decides to take further action upon becoming aware of an Individual who has been disciplined by a Provincial Organization and/or Member Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. The Organization may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
12. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Territorial Organization and/or Member Club when deciding on the complaint per the terms of this Policy.

### **Adult Representative**

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

### **Process**

16. Any Individual may report an incident or complaint to the Organization in writing.
17. The Board (or designate) will appoint a Discipline Chair, as described in this Policy.
18. The Discipline Chair may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In this case, the Discipline Chair will appoint an Investigator in accordance with the Organization's *Investigations Policy - Discrimination, Harassment, and Abuse* and the Organization, and the Investigator, will have additional responsibilities as described in that Policy.
19. At the Organization's discretion, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.
20. Upon receipt of a complaint, the Discipline Chair has discretion to choose which process should be followed, and may use the following examples as a general guideline:
  - a) Process #1 - the Complaint alleges the following incidents:
    - i. Disrespectful, abusive, racist, or sexist comments or behaviour
    - ii. Disrespectful conduct
    - iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)

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

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

Sanctions

21. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to the Organization
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all the Organization's activities for a designated period
  - g) Any other sanction considered appropriate for the offense
22. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.
23. Records of all sanctions will be maintained by the Organization.

Request for Reconsideration

24. The sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
- a) Why the sanction is inappropriate;
  - b) All evidence to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate
25. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

26. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
27. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**Process #2: Handled by Case Manager**

Case Manager

28. Following the determination that the complaint or incident should be handled under Process #2, the Organization will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.
29. The Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
  - b) Propose the use of the Organization's *Dispute Resolution Policy*
  - c) Appoint the Discipline Panel, if necessary
  - d) Coordinate all administrative aspects and set timelines
  - e) Provide administrative assistance and logistical support to the Discipline Panel as required
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

30. If the Case Manager determines the complaint is:
  - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
  - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
31. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
32. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
33. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using the Organization's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
34. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing



- c) The Parties may engage a representative, advisor, or legal counsel at their own expense
- d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
- e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
- f) The decision will be by a majority vote of the Discipline Panel

35. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

36. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

37. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.

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

#### Decision

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

#### Sanctions

40. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the Organization
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all the Organization's activities for a designated period
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the Organization or from other sources
- i) Expulsion from the Organization
- j) Any other sanction considered appropriate for the offense

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

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

#### Appeals

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

### **Suspension Pending a Hearing**

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

### **Criminal Convictions**

45. An Individual's conviction for a *Criminal Code* offense, as determined by the Organization, will be deemed an infraction under this Policy and will result in expulsion from the Organization. *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

### **Confidentiality**

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

### **Timelines**

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

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

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

## DISPUTE RESOLUTION POLICY

### Definitions

1. The following term has this meaning in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the Organization

### Purpose

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

### Application of this Policy

4. This Policy applies to all Individuals.
5. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

### Facilitation and Mediation

6. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated decision be reached, the decision shall be reported to, and approved by, the Organization. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending the Organization’s approval.
9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of the Organization’s *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

### Final and Binding

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

# APPEAL POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Appellant*” – The Party appealing a decision
  - c) “*Case Manager*” – An individual appointed by the Organization who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee this Appeal Policy. The Case Manager will have responsibilities that include, but are not limited to:
    - i. Ensuring procedural fairness;
    - ii. Respecting the applicable timelines; and
    - iii. Using decision making authority empowered by this Policy.
  - d) “*Respondent*” – The body whose decision is being appealed
  - e) “*Parties*” – The Appellant, Respondent, and any other Individuals affected by the appeal
  - f) “*Days*” – Days including weekends and holidays
  - g) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of the Organization, spectators at events, and parents/guardians of athletes

## Purpose

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

## Scope and Application of this Policy

3. This Policy applies to all Individuals. Any Individual who is directly affected by a decision by the Organization shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of Interest
  - d) Discipline
  - e) Membership
5. This Policy **will not apply** to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than the Organization
  - e) Substance, content and establishment of team selection criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Budgeting and budget implementation
  - h) The Organization’s operational structure and committee appointments

- i) Decisions or discipline arising within the business, activities, or events organized by entities other than the Organization (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the Organization at its sole discretion)
- j) Commercial matters for which another appeals process exists under a contract or applicable law
- k) Decisions made under this Policy

### **Timing of Appeal**

6. Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to the Organization, the following:
  - a) Notice of the intention to appeal
  - b) Contact information and status of the appellant
  - c) Name of the respondent and any affected parties, when known to the Appellant
  - d) Date the appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds
  - i) Requested remedy or remedies
  - j) An administration fee of one hundred dollars (\$100), which will be refunded if the appeal is upheld
7. An Individual who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Case Manager and may not be appealed.

### **Grounds for Appeal**

8. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
  - d) Failed to consider relevant information or took into account irrelevant information in making the decision
  - e) Made a decision that was patently unreasonable
9. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

### **Screening of Appeal**

10. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Organization and the Appellant may first determine the appeal to be considered under the Organization's *Dispute Resolution Policy*.
11. Appeals resolved by mediation under the Organization's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.
12. Should the appeal not be resolved by using the *Dispute Resolution Policy*, the Organization will appoint an independent Case Manager (who must not be in a conflict of interest) who has the following responsibilities:

- a) Determine if the appeal falls under the scope of this Policy
  - b) Determine if the appeal was submitted in a timely manner
  - c) Decide whether there are sufficient grounds for the appeal
13. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
14. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

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

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

#### **Appeal Decision**

19. The Panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
- a) Reject the appeal and confirm the decision being appealed
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
  - c) Uphold the appeal and vary the decision
20. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Organization. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon

after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

**Timelines**

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

**Confidentiality**

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

**Final and Binding**

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

# WHISTLEBLOWER POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Director*” – An individual appointed or elected to the Organization’s Board of Directors
  - c) “*Worker*” – An individual who has signed an Employment Agreement or Contractor Agreement with the Organization

## Purpose

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

## Application

3. This Policy only applies to Workers who observe or experience incidents of wrongdoing committed by Directors or by other Workers.
4. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by the Organization can be reported under the terms of the Organization’s Discipline and Complaints Policy and/or reported to the Organization’s Board of Directors (or designate) to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or the Organization’s policies for human resources.
5. Matters reported under the terms of this Policy may be referred to be heard under the Organization’s *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

## Wrongdoing

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

## Pledge

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

## Reporting Wrongdoing

9. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:



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

### **Authority**

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

### **Alternate Liaison**

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

### **Investigation**

- 15. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, the Organization may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the Worker who submitted the report being disclosed. The Organization may not unreasonably refuse the decision to contract an external investigator
- 16. An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:
  - a) Follow up interview with the Worker who submitted the report
  - b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing

- c) Interviews with such-affected individuals
- d) Interview with the Director(s) or Worker(s) against whom the report was submitted
- e) Interview with the supervisor(s) of the Worker(s) against whom the report was submitted, if applicable

17. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, the Organization recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
18. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the Organization for review and action.

### **Decision**

19. Within fourteen (14) days after receiving the Investigator's Report, the Organization's Board of Directors (or designate) will take corrective action, as required. Corrective action may include, but is not limited to including:
- a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
  - b) Revision of job descriptions; or
  - c) Discipline, suspension, termination, or other action as permitted by the Organization's Bylaws, provincial employment legislation, the Organization's policies for human resources, and/or the Worker's Employment Agreement or Contractor Agreement.
20. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
21. Decisions made under the terms of this Policy may be appealed under the terms of the Organization's *Appeal Policy* provided that:
- a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal, and
  - b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that the Organization will act as the Respondent

### **Confidentiality**

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

## EVENT DISCIPLINE PROCEDURE

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

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *"Organization"* – NWT Swimming
  - b) *"Event"* – An event sanctioned by the Organization
  - c) *"Individuals"* – All categories of membership defined in the Organization's Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of the Organization, spectators at events, and parents/guardians of athletes

### Purpose

2. The Organization is committed to providing a competition environment in which all Individuals are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

### Scope and Application of this Policy

3. This Procedure will be applied to all the Organization-sanctioned Events unless the Event host states any modifications to this Procedure (and the reasons for those modifications) in the Event's registration or invitation package. Changes to this Procedure must also be outlined in the event host's sanctioning request, when applicable.
4. If the Event is being sanctioned by a National Sport Organization (such as in the case of a National Championships), a national or regional Games federation, or an international federation, the Event Discipline Procedure of the sanctioning organization will replace this procedure. Incidents involving Individuals connected with the Organization (such as athletes, coaches, members, and Directors and Officers) must still be reported to the Organization to be addressed under the Organization's *Discipline and Complaints Policy*, if necessary.
5. This Procedure does not replace or supersede the Organization's *Discipline and Complaints Policy*. Instead, this Procedure works in concert with the *Discipline and Complaints Policy* by outlining, for a designated person with authority at an event sanctioned by the Organization, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of the Organization's *Code of Conduct and Ethics*.

### Misconduct During Events

6. Incidents that violate or potentially violate the Organization's *Code of Conduct and Ethics*, which can occur during a competition, away from the area of competition, or between parties connected to the Event, shall be reported to a designated person (usually the head official or on-site convenor) responsible at the Event.
7. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated the Organization's *Code of Conduct and Ethics*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated the Organization's *Code of Conduct and Ethics*
  - b) Convene a jury of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether the Organization's *Code of Conduct and Ethics* has been violated. The designated person at the Event may serve on the jury
  - c) The jury will interview and secure statements from any witnesses to the alleged violation

- d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate
  - e) The jury will secure a statement from the person(s) accused of the violation
  - f) The jury will render a decision and determine a possible penalty
  - g) The Chairperson of the jury will inform all parties of the jury's decision
8. The penalty determined by the jury may include any of the following, singularly or in combination:
- a) Oral or written warning
  - b) Oral or written reprimand
  - c) Suspension from future competitions at the Event
  - d) Ejection from the Event
  - e) Other appropriate penalty as determined by the jury
9. The jury does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the jury's decision shall be submitted to the Organization following the conclusion of the Event. Further discipline may then be applied per the Organization's *Discipline and Complaints Policy* if necessary.
10. Decisions made in the scope of this Procedure may not be appealed.
11. This Procedure does not prohibit other Individuals from reporting the same incident to the Organization to be addressed as a formal complaint under the Organization's *Discipline and Complaints Policy*.
12. The Organization shall record and track all reported incidents.

# SOCIAL MEDIA POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Organization*” – NWT Swimming
  - b) “*Social media*” – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, and Twitter.
  - c) “*Individuals*” – Individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, medical and paramedical personnel, and Directors and Officers of the Organization
  - d) “*Discipline Chair or Case Manager*” – The person or organization appointed by the Organization to oversee management and administration of complaints, as applicable.

## Preamble

2. The Organization is aware that Individual interaction and communication occurs frequently on social media. The Organization cautions Individuals that any conduct falling short of the standard of behaviour required by the Organization’s *Code of Conduct and Ethics* will be subject to the disciplinary sanctions identified within the Organization’s *Discipline and Complaints Policy*.

## Application of this Policy

3. This Policy applies to all Individuals.

## Conduct and Behaviour

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

## Individuals Responsibilities

6. Individuals acknowledge that their social media activity may be viewed by anyone; including the Organization.
7. If the Organization unofficially engages with an Individual in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask the Organization to cease this engagement.
8. When using social media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with the Organization.
9. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the Organization's *Discipline and Complaints Policy*.
10. An individual who believes that an Individual's social media activity is inappropriate or may violate the Organization's policies and procedures should report the matter to the Organization in the manner outlined by the Organization's *Discipline and Complaints Policy*.

# SCREENING POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Organization”* – NWT Swimming and PSO
  - b) *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
  - c) *“Local Police Information (LPI)”* – additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought
  - d) *“Enhanced Police Information Check (E-PIC)”* – a Criminal Record Check plus a search of local police information.
  - e) *“Vulnerable Sector Check (VSC)”* – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database
  - f) *“Vulnerable Individuals”* – A person under the age of 18 years old and/or a person who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority

## Preamble

2. The Organization understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the community.

## Application of this Policy

3. This Policy applies to all individuals whose position with the Organization is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Individuals.
4. Not all individuals associated with the Organization will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to the Organization or to its participants. The Organization will determine which individuals will be subject to screening using the following guidelines (the Organization may vary the guidelines at its discretion):

Level 1 – Low Risk - Individuals involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Individuals. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular or informal basis

Level 2 – Medium Risk – Individuals involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Individuals. Examples:

- a) Athlete support personnel
- b) Non-coach employees or managers
- c) Directors
- d) Coaches who are typically under the supervision of another coach

Level 3 – High Risk – Individuals involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with finances, and who have frequent or unsupervised access to Vulnerable Individuals. Examples:

- a) Full time coaches

- b) Coaches who travel with athletes
- c) Coaches who could be alone with athletes

### Screening Committee

- 5. The implementation of this policy is the responsibility of the Organization's Screening Committee which is a committee of either one (1) or three (3) members appointed by the Organization. The Organization will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately screening documents and render decisions under this Policy.
- 6. The Screening Committee will carry out its duties, in accordance with the terms of this policy, independent of the Board.
- 7. The Screening Committee is responsible for reviewing all documents submitted and, based on the review, making decisions regarding the appropriateness of individuals filling positions within the Organization. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

### Screening Requirements

- 8. It is the Organization's policy that when an individual is first engaged by the Organization:
  - a) Level 1 individuals will:
    - i. Complete an Application Form (**Appendix A**)
    - ii. Complete a Screening Disclosure Form (**Appendix B**)
    - iii. Participate in training, orientation, and monitoring as determined by the Organization
  - b) Level 2 individuals will:
    - i. Complete an Application Form
    - ii. Complete a Screening Disclosure Form
    - iii. Complete and provide an E-PIC
    - iv. Provide one letter of reference related to the position
    - v. Participate in training, orientation, and monitoring as determined by the Organization
    - vi. Provide a driver's abstract, if requested
  - c) Level 3 individuals will:
    - i. Complete an Application Form
    - ii. Complete a Screening Disclosure Form
    - iii. Complete and provide an E-PIC and a VSC
    - iv. Provide one letter of reference related to the position
    - v. Participate in training, orientation, and monitoring as determined by the Organization
    - vi. Provide a driver's abstract, if requested
  - d) If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to the Organization. Additionally, the individual will inform the Organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
  - e) If the Organization learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with the Organization's *Discipline and Complaints Policy*.



## Young People

9. The Organization defines a young person as someone who is younger than 18 years old. When screening young people, the Organization will:
  - a) Not require the young person to obtain a VSC or E-PIC; and
  - b) In lieu of obtaining a VSC or E-PIC, require the young person to submit documents as required by the PSO.
10. Notwithstanding the above, the Organization may ask a young person to obtain a VSC or E-PIC if the Organization suspects the young person has an adult conviction and therefore has a *criminal record*. In these circumstances, the Organization will be clear in its request that it is not asking for the young person's *youth record*. The Organization understands that it may not request to see a young person's youth record.

## Renewal

11. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:
  - a) An E-PIC every three years
  - b) A Screening Disclosure Form every three years
  - c) A Screening Renewal Form (**Appendix C**) every year
  - d) A Vulnerable Sector Check once
12. The Screening Committee may request that an individual provide any of the above documents at any time. Such request will be in writing and reasons will be provided for the request.

## Orientation, Training, and Monitoring

13. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the Organization's discretion.
14. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
15. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
16. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training.
17. Monitoring may include but is not limited to: written or oral reports, observations, tracking, electronic surveillance (e.g., facility security cameras), and site visits.

## How to Obtain an E-PIC or VSC

18. An E-PIC may be obtained online <http://www.backcheck.net/e-pic.htm>
19. Individuals may only obtain a VSC by visiting an RCMP office or police station, submitting two pieces of government-issued identification (one of which must have a photo), and completing any required paperwork. Fees may also be required.
20. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.

21. The Organization understands that it may be required to assist an individual with obtaining a VSC. The Organization may need to submit a Request for VSC (**Appendix D**) or complete other documentation describing the nature of the organization and the individual's role with vulnerable individuals.

#### Procedure

22. Screening documents must be submitted to the following individual:

**Current Technical director J Mooney : [Themooneys@theedge.ca](mailto:Themooneys@theedge.ca)**

23. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be informed that their application and/or position will not proceed until such time as the screening documents are submitted.

24. The Organization understands that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, the Organization may permit the individual to participate in the role during the delay. The Organization may withdraw this permission at any time and for any reason.

25. The Organization recognizes that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted.

26. Following the review of the screening documents, the Screening Committee will decide:

- a) The individual has passed screening and may participate in the desired position;
- b) The individual has passed screening and may participate in the desired position with conditions;
- c) The individual has not passed screening and may not participate in the desired position; or
- d) More information is required from the individual.

27. In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.

28. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:

- a) If imposed in the last three years:
  - i. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
  - ii. Any offense for trafficking and/or possession of drugs and/or narcotics
  - iii. Any offense involving conduct against public morals
- b) If imposed in the last ten years:
  - i. Any crime of violence including but not limited to, all forms of assault
  - ii. Any offense involving a minor or minors
- c) If imposed at any time:
  - i. An individual's conviction for any of the following *Criminal Code* offenses:
    - a. Any offense of physical or psychological violence
    - b. Any crime of violence including but not limited to, all forms of assault
    - c. Any offense involving trafficking of illegal drugs
    - d. Any offense involving the possession, distribution, or sale of any child-related pornography
    - e. Any sexual offense
    - f. Any offense involving theft or fraud

### **Conditions and Monitoring**

29. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee may apply and remove conditions at its discretion and will determine the means by which adherence to conditions may be monitored.

### **Records**

30. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings.

31. The records kept by the Organization as part of the screening process include but are not limited to:

- a) An individual's Vulnerable Sector Check
- b) An individual's E-PIC (for a period of three years)
- c) An individual's Screening Disclosure Form (for a period of three years)
- d) An individual's Screening Renewal Form (for a period of one year)
- e) Records of any conditions attached to an individual's registration by the Screening Committee
- f) Records of any discipline applied to any individual by the Organization or by another sport organization

## Appendix A – Application Form

**Note: Individuals who are applying to volunteer or work within certain positions with the Organization must complete this Application Form. Individuals need to complete an Application Form once for the position sought. If the individual is applying for a new position within the Organization, a new Application Form must be submitted.**

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**POSITION SOUGHT:** \_\_\_\_\_

By signing this document below, I agree to adhere to the Organization’s policies and procedures, including but not limited to the *Code of Conduct and Ethics*, *Conflict of Interest Policy*, *Privacy Policy*, and *Screening Policy*. The Organization’s policies are located at the following link: **[organization to insert website link to policies]**

I recognize that I must pass certain screening requirements depending on the position sought, as outlined in the *Screening Policy*, and that the Screening Committee will determine my eligibility to volunteer or work in the position.

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## Appendix B – Screening Disclosure Form

**NAME:** \_\_\_\_\_  
First Middle Last

**OTHER NAMES YOU HAVE USED:** \_\_\_\_\_

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**CLUB (if applicable):** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

**Note: Failure to disclose truthful information below may be considered an intentional omission and the loss of volunteer responsibilities or other privileges**

**1. Do you have a criminal record? If so, please complete the following information for *each conviction*. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Year Convicted: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**2. Have you ever been disciplined or sanctioned by a sport governing body or by an independent body (e.g., private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position? If so, please complete the following information for each disciplinary action or sanction. Attach additional pages as necessary.**

Name of disciplining or sanctioning body: \_\_\_\_\_

Date of discipline, sanction or dismissal: \_\_\_\_\_

Reasons for discipline, sanction or dismissal: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**3. Are criminal charges or any other sanctions, including those from a sport body, private tribunal or**

**government agency, currently pending or threatened against you? If so, please complete the following information for each pending charge or sanction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Name of disciplining or sanctioning body: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**PRIVACY STATEMENT**

By completing and submitting this Screening Disclosure Form, I consent and authorize the Organization to collect, use and disclose my personal information, including all information provided on the Screening Disclosure Form as well as my Enhanced Police Information Check and/or Vulnerable Sector Check (when permitted by law) for the purposes of screening, implementation of the Organization’s *Screening Policy*, administering membership services, and communicating with National Sport Organizations, Provincial/Territorial Sport Organizations, Sport Clubs, and other organizations involved in the governance of sport. The Organization does not distribute personal information for commercial purposes.

**CERTIFICATION**

I hereby certify that the information contained in this Screening Disclosure Form is accurate, correct, truthful and complete.

I further certify that I will immediately inform the Organization of any changes in circumstances that would alter my original responses to this Screening Disclosure Form. Failure to do so may result in the withdrawal of volunteer responsibilities or other privileges and/or disciplinary action.

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## Appendix C – Screening Renewal Form

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

By signing this document below, I certify that there have been no changes to my criminal record since I last submitted an Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to the Organization. I further certify that there are no outstanding charges and warrants, judicial orders, peace bonds, probation or prohibition orders, or applicable non-conviction information, and there have been no absolute and conditional discharges.

I agree that any Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I would obtain or submit on the date indicated below would be no different than the last Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I submitted to the Organization. I understand that if there have been any changes, or if I suspect that there have been any changes, it is my responsibility to obtain and submit a new Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to the Organization’s Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from the Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form, and that if I submit this form improperly, then I am subject to disciplinary action and/or the removal of volunteer responsibilities or other privileges at the discretion of the Screening Committee.**

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## Appendix D – Request for Vulnerable Sector Check

*Note: The Organization will be required to modify this letter to adhere to any requirements from the VSC provider*

### INTRODUCTION

The Organization is requesting a Vulnerable Sector Check for \_\_\_\_\_ [insert individual's full name] who identifies as a \_\_\_\_\_ [insert gender identity] and who was born on \_\_\_\_\_ [insert birthdate].

### DESCRIPTION OF ORGANIZATION

The Organization is a not-for-profit [national, provincial, local] organization for the sport of [insert sport] located in [location].

[Insert additional description]

### DESCRIPTION OF ROLE

\_\_\_\_\_ [insert individual's name] will be acting as a \_\_\_\_\_ [insert individual's role]. In this role, the individual will have access to vulnerable individuals.

[Insert additional information re: type and number of vulnerable individuals, frequency of access, etc.]

### CONTACT INFORMATION

If more information is required from the Organization, please contact the Screening Committee Chair:

[Insert information for Screening Committee Chair]

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



# RISK MANAGEMENT POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Organization”* – NWT Swimming
  - b) *“Individuals”* – refers to all categories of members and/or registrants defined in the Bylaws 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, mission staff, chefs de mission, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
  - c) *“Risk”* – The effect of uncertainty on achieving desired outcomes.
  - d) *“Risk Management”* – An integrated, documented and system-wide process used to identify, assess and treat risks so as to better achieve desired outcomes and reflect the organization’s values

## Preamble

2. The Organization is committed to managing risks by ensuring its decisions and actions reflect established standards and organizational values.

## Purpose

3. The purpose of this Policy is to provide a guiding statement on how risks will be managed within the Organization. In general, the Organization views risk management as a comprehensive approach to improving organizational performance.
4. This policy has other purposes, namely:
  - a) Reinforcing an understanding of risk management as having a broad focus, beyond merely preventing lawsuits and financial losses
  - b) Performing an educational function for staff and the Board
  - c) Over the longer term, contributing to enhancing a ‘risk management culture’ within the Organization
5. Ultimately, successful risk management has the following benefits:
  - a) Prevents or limits injury or losses to participants, volunteers and staff
  - b) Helps to protect the Organization and its members against unnecessary litigation
  - c) Ensures that the Organization is compliant with all applicable laws, regulations and standards
  - d) Improves the quality and relevance of the programs and services that the Organization provides to its members, partners and sponsors
  - e) Promotes improved business management and human resource management practices
  - f) Enhances the Organization’s brand, reputation and image in the community
  - g) Overall, enhances the Organization’s ability to achieve its strategic objectives

## Principles

6. The International Standard Organization (ISO 31000:2009E) risk management principles are:
  - a) Risk management creates and protects value
  - b) Risk management is an integral part of all organizational processes
  - c) Risk management is part of decision making
  - d) Risk management explicitly addresses uncertainty
  - e) Risk management is systematic, structures and timely
  - f) Risk management is based on the best available information
  - g) Risk management is tailored

- h) Risk management considers human and cultural factors into account
- i) Risk management is transparent and inclusive
- j) Risk management is dynamic, iterative and responsive to change
- k) Risk management facilitates continual improvement of the organization

### **Scope and Authority – Risk Manager**

7. Sport North is the designated Risk Manager for the Organization and is responsible for the implementation, maintenance, and communication of this policy. This policy applies to all decision and activities undertaken on behalf of the Organization.

### **Policy**

8. The Organization makes the following commitments:
- a) Activities and events undertaken by the Organization will incorporate the principles of risk management
  - b) Systematic and explicit steps will be taken to identify, assess, manage and communicate risks facing the Organization in a timely fashion
  - c) Risk mitigation strategies will be reasonable and will reflect the reasonable standard of care in any circumstance (where standard of care is determined by written/published standards, industry practices, established case law precedent, and common sense)
9. The Organization acknowledges that risk management is a broad activity and a shared responsibility. All Directors, Officers, staff, and volunteers have an ongoing responsibility to take appropriate measures within their scope of authority and responsibility to identify, assess, manage and communicate risks to those that they report to including but not limited to, the Risk Manager.

### **Risk Tolerance**

10. The 'significance of a risk' refers to the combined ranking of the possibility/likelihood of a risk occurring and the consequence should it occur.

#### 11. Possibility (P)

- a) Unlikely – less likely to happen than not; occurs every 5 years
- b) Possible – just as likely to happen as not; occurs once every year
- c) Probably – more likely to happen than not; occurs once a month
- d) Almost certain – sure to happen; occurs once a week

#### 12. Consequence (C)

- a) Minor – will have an impact on the achievement of the objective that can be dealt with through small internal adjustments
- b) Moderate – will have an impact on some aspect of the achievement of the objective that will require changes to strategy or program delivery that may require a delay or increase in cost
- c) Serious – will significantly impact the achievement of the objective and require additional time, resources, costs, and thought
- d) Catastrophic – will have a debilitating impact on the achievement of the objective; staff and board need to devote full time resources to managing the situation

### **Commitment**

13. Risks are identified by both Directors and staff on an ongoing basis. All Low-to-Medium risks are managed by the Risk Manager and captured within program documents.

14. Risks that arise and considered to be High to Very High are treated as follows:

- a) If a **High** is identified, it must be communicated to the Board of Directors (or designate) within 48 of the risk being identified. The individual will take all reasonable measures to manage the risk including, but not limited to, seeking the advice from other Board members, consulting external experts, etc. Once the individual feels that the risk has been managed or is in the process of being resolved, the Board will be advised using the most appropriate communications, which depending on the nature of the risk, may include an issue document, sharing at the next meeting, or calling a separate Board meeting to keep the Board informed.
- b) If a **Very High** risk has been identified, the President must be contacted immediately. The Board of Directors (or designate) will determine the most appropriate action and if appropriate, may organize a Board meeting within 48 of the risk arising. It is understood that factors may arise that prevent this from happening including time zone, availability, nature of the risk, etc. All reasonable efforts will be made to manage the risk as it occurs, taking the necessary measures including, not to limited to, seeking the advice from internal partners, other Board members and external experts.

### Procedures

15. Managing risks involves three steps:

- a) Identifying potential risks using an informed, environmental scan approach
- b) Assessing the significance of a risk by considering its likelihood and consequences
- c) Developing and implementing measures to address those risks deemed significant by reducing likelihood, consequences or both

16. Risks arise from a number of categories of the operations the Organization. The following categories will be used when identifying risks:

a) **Operational / Program Risks**

Risks related to the development, sanctioning, and implementation of programs; management of human resources, including staff and volunteers; organizational capacity to meet member and stakeholder expectations.

Technology and intellectual property risks related to the purchase, leasing, use, and storage of all hardware and software, programs, data, records, information including the protection of all intellectual property assets.

b) **Compliance Risks**

Risks related to failure to comply with existing laws and regulations governing employment, privacy, and workplace safety. Also includes complying with anti-doping policies, Sport Canada, other agency standards for funding and accountability, and the fulfillment of contractual obligations.

c) **Communication Risks**

Risks related to internal and external communications, information management systems, crisis and issues management, media relations, image and reputation management, missed opportunities to promote and exploit successful outcomes, management of intellectual property, social media opportunities and pitfalls, confidentiality.

d) **External Risks**

Risks that are not in direct control of the organization such as funding frameworks from government and other agencies; relations with governments, games organizations and international federations; security threats/risks, involvement in other sport partnerships; hosting decisions and requirements; changing political priorities.

e) **Governance Risks**

Risks related to clarity of roles and responsibilities, decision-making and oversight, organizational structure and performance; management of disputes and conflict of interest, planning for diversity and succession of the Board and committees, retention of corporate knowledge, staying current with trends affecting the Organization.

f) **Financial Risks**

Risks related to financial monitoring and reporting, flexibility to control and direct funds, sponsorship attraction and retention, currency exchange rates, investment and management of reserve funds, protection of revenue streams, long-term financial sustainability.

g) **Health and Safety of Athletes**

Risks related to the safety of athletes, abuse and/or harassment of athletes, practice or competition environment, equipment, and progressive training of athletes.

17. All risks faced by the Organization can be addressed by one or more of the following four general strategies:

- a) **Retain** the risk – no action is taken because the possibility and consequence of the risk is low. It may also be that the risk is inherent in the activity itself and thus can be accepted in its present form.
- b) **Reduce** the risk – steps are taken to reduce the possibility of the risk, and/or its potential consequences, through efforts such as improved planning, policies, delivery, supervision, monitoring, or education.
- c) **Transfer** the risk – accept the level of risk but transfer some or all of it to others through the use of insurance, waiver of liability agreements or other business contracts.
- d) **Avoid** the risk – eliminate the risk by avoiding the activity giving rise to the risk – in other words, simply decide NOT to do something, or to eliminate some activity or initiative.

18. The above general strategies translate into a variety of risk control measures, which for the Organization may include, but are not limited to:

- a) Development of policies, procedures, standards and rules
- b) Effective communication
- c) Education, instruction, professional development and specialized training
- d) Ensuring a core set of organizational values have been identified, defined and communicated throughout the organization
- e) Adherence to minimum, mandatory qualifications and/or certifications for key staff and leaders
- f) Use of robust and legally sound contracts (i.e., employment agreements, contractor agreements, partnership agreements)
- g) Improving role clarity through use of written position descriptions and committee terms of reference
- h) Supervision and monitoring of staff, volunteers, participants and activities
- i) Establishing and communicating procedures to handle concerns, complaints and disputes
- j) Implementing schedules for regular review, maintenance, repair and replacement of equipment

- k) Preparing procedures and protocols for emergency response and crisis management
- l) Use of warnings, signage, participation agreements and waiver of liability agreements where warranted
- m) Purchasing appropriate insurance coverage for all activities and reviewing regularly

**Reporting and Communication**

- 19. To ensure that risk management remains a high priority within the Organization and to promote an organizational culture that embraces a risk management perspective, risk management will be a standing item on the agenda of every regular Board meeting, so that staff (if applicable) and Directors can provide updates as required.
  
- 20. The Organization recognizes that communication is an essential part of risk management. This policy will be communicated to staff, the Board of Directors, Committees and volunteers and the Organization will encourage all members to communicate their risk management issues and concerns.

# ATHLETE PROTECTION GUIDELINES

## Definitions

1. The following terms have these meanings in these Guidelines:
  - a) *“Organization”* NWT Swimming
  - b) *“Person in Authority”* – An Individual who holds a position of authority within the Organization including, but not limited to, coaches, managers, support personnel, chaperones, and Directors

## Purpose

2. These athlete protection guidelines describe how Persons in Authority can maintain a safe sport environment for athletes.

## Rule of Two

3. The Organization will strongly recommend the ‘Rule of Two’ for all Persons in Authority who interact with athletes. The Coaching Association of Canada defines the ‘Rule of Two’ as:
  - a) The ‘Rule of Two’ means that the coach is never alone or out of sight with a minor athlete. Two NCCP trained or certified coaches should always be present with an athlete, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. All one-on-one interactions between a coach and an athlete must take place within earshot and in view of the second coach except for medical emergencies. One of the coaches must also be of the same gender as the athlete. Should there be a circumstance where a second screened and NCCP trained or certified coach is not available, a screened volunteer, parent, or adult can be recruited to act as a substitute.
4. To ensure adherence to the ‘Rule of Two’, the Organization will ensure:
  - a) Teams or groups of athletes will always have at least two Persons in Authority with them
  - b) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
  - c) For teams consisting of athletes of just one gender identity, a Person in Authority of the same gender identity should be available to participate or attend every interaction and for teams consisting of athletes of more than one gender identity (e.g., co-ed teams), a Person in Authority of each gender identify should be available to participate or attend every interaction
  - d) These guidelines with parents and guardians and them to help identify situations, and acknowledge instances, when the club or team was not following the Rule of Two

## Communications

5. The Organization will strongly recommend the following communication guidelines for all coaches and other adults in a position of authority who interact with athletes:
  - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and athletes
  - b) Persons in Authority may only send personal texts, direct messages on social media or emails to individual athletes when necessary and only for the purpose of communicating information related to team issues and activities (e.g., non-personal information)
  - c) Parents and guardians have the right to request that their child not be contacted by Persons in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communications
  - d) The content of all electronic communication between Persons in Authority and athletes must be professional in tone and for the purpose of communicating information related to team issues or activities

- e) All communication between Persons in Authority and athletes must be between the hours of 6:00am and midnight unless extenuating circumstances exist
- f) No communication concerning drugs or alcohol use (unless regarding its prohibition) is permitted
- g) No sexually explicit language or imagery or sexually oriented conversation is permitted
- h) Persons in Authority are not permitted to ask athletes to keep a secret for them
- i) A Person in Authority should not become overly-involved in an athlete's personal life

### **Travel**

6. The Organization will strongly recommend the following travel guidelines for all coaches and other adults in a position of authority who travel with athletes:
- a) A Person in Authority may not be alone in a car with an athlete unless the Person in Authority is the athlete's parent or guardian
  - b) A Person in Authority may not share a room or be alone in a hotel room with an athlete unless the Person in Authority is the athlete's parent or guardian
  - c) Room or bed checks during overnight stays must be done by two Persons in Authority
  - d) For overnight travel when athletes share a hotel room, roommates will be age-appropriate (e.g., within 2 years of age) and of the same gender identity

### **Locker Room / Changing Area / Meeting Room**

7. The Organization will strongly recommend the following guidelines for the locker room, changing area, and meeting rooms:
- a) Interactions between a Person in Authority and an individual athlete should not occur in any room where there is a reasonable expectation of privacy such as the locker room, meeting room, restroom, or changing area. A second Person in Authority should be present for any necessary interaction in any such room
  - b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required

### **Photography / Video**

8. The Organization will strongly recommend the following photography / video guidelines:
- a) Parents/guardians should sign a photo release form (i.e., as part of the registration process) that describes how an athlete's image may be used by the Organization
  - b) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the athlete.
  - c) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
  - d) Examples of photos that should be edited or deleted include:
    - i. Images with misplaced apparel or where undergarments are showing
    - ii. Suggestive or provocative poses
    - iii. Embarrassing images
  - e) Without parent or legal guardian's consent, in the case of a Minor athlete, or an adult athlete's consent (a) athletes may not be photographed or filmed; and (b) no images of athletes may be posted publicly or privately. If consent is given, it may be revoked at any time

### **Physical Contact**

9. The Organization understands that some physical contact between Persons in Authority and athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. The Organization will strongly recommend the following touch guidelines:
- a) Unless it is not possible because of serious injury or other circumstance, a Person in Authority

should always clarify with an athlete where and why any touch will occur. The Person in Authority must make clear that he or she is *requesting* to touch the athlete and not *requiring* the physical contact

- b) Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the athlete during a training session, is permitted
- c) Making amends, such as an apology or explanation, is encouraged to further help educate athletes on the difference between appropriate and inappropriate contact
- d) Hugging, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. The Organization is aware that some younger athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying after a poor performance) but this physical contact should always be limited.

### **Sport-Specific Guidelines**

10. The Organization strongly recommend the following sport-specific guidelines:

- a) A Person in Authority should never be alone with an athlete prior to or following a competition or practice, unless the Person in Authority is the athlete's parent or guardian. If the athlete is the first athlete to arrive, the athlete's parent should remain until another athlete or Person in Authority arrives. Similarly, if an athlete would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another athlete) to stay until all the athletes have been picked up. If an adult is not available then another athlete should be present in order to avoid the Person in Authority being alone with a single athlete
- b) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual athlete should always be doing so within earshot and eyesight of another Person in Authority where possible
- c) The swimmers permission must be asked prior to a Person in Authority touching the swimmer when demonstrating swimming techniques
- d) Persons in Authority may not be in the change room at the same time as the swimmers when swimmers are changing before/after training/competition.  
Deck changing by athletes in the presence of others is prohibited
- e) Appropriate swim suits must be worn by swimmers during training and at all competitions