

# **Skimo Canada (SC) - formerly Ski Mountaineering Competition Canada**

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## STATEMENT ON SAFE SPORT

Skimo Canada has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the national ski mountaineering (skimo) racing community.

Skimo Canada takes situations involving misconduct or maltreatment very seriously. Skimo Canada is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

Skimo Canada's policies are intended to promote a Safe Sport environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise. They are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

Should anyone wish to report an incident or concern about misconduct or maltreatment involving anyone associated with Skimo Canada, including but not limited to Athletes, coaches, officials, and volunteers, they may do so directly to Skimo Canada which will then determine the appropriate forum and manner to address the complaint.

Skimo Canada makes the following commitments to a sport environment free from Maltreatment:

- a) All participants in sport can expect to play, practice, compete, work, and interact in an environment free from Maltreatment.
- b) Addressing the causes and consequences of Maltreatment is a collective responsibility and requires the deliberate efforts of all participants, broader sport community, sport club administrators and organization leaders.
- c) Registrants in positions of trust and authority have the general responsibility to protect the health and well-being of all other participants.
- d) Adult participants have a specific ethical and statutory duty and the additional responsibility to respond to incidents of Maltreatment involving Minors and other vulnerable participants.
- e) All participants recognize that Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of Maltreatment.
- f) All participants recognize that individuals who have experienced Maltreatment may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
- g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.
- h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, which persists today, participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

## **CODE OF CONDUCT AND ETHICS**

(the “Code”)

*Skimo Canada (the NSO) has adopted the [Universal Code of Conduct to Prevent and Address Maltreatment in Sport \(“UCCMS”\)](#) which shall be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the relevant functions of Abuse-Free Sport shall come into effect immediately and automatically upon their adoption by the relevant functions of Abuse-Free Sport, without the need for any further action by the NSO.*

*As a Signatory of Abuse-Free Sport, the NSO has designated specific Registered Participants within the NSO as Abuse-Free Sport Participants. A full list of Registered participants is available at (website address).*

*It is important to note that the Code applies to all Registered Participants, **but not all Registered Participants are UCCMS Participants** Abuse-Free Sport Participant and subject to the Office of the Sport Integrity Commissioner (OSIC) Process. under Abuse-Free Sport.*

*Members of the NSO may have their own code of conduct applicable to their registrants participating in the Member’s activities and events. A Member’s registrant may also be subject to this Code if they are involved in the NSO activities, events or programs, including being designated an Abuse Free Sport Participant.*

### **A Purpose**

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

### **B Application – General**

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

- 5) This Code also applies to the conduct of all Registrants outside of the business, activities, and Events of the NSO when such conduct adversely affects the NSO's relationships (and the work and sport environment) or is detrimental to the image and reputation of the NSO or a Member. Such applicability will be determined by the NSO or the Member, as applicable, at its sole discretion.
- 6) In addition, this Policy will apply to breaches of the Code that occurred when the Registrants involved interacted due to their mutual involvement in the sport, or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the individuals.
- 7) This Code applies to Registrants who are no longer registered with the NSO but against whom a claim has been submitted that a potential breach of this Code occurred when the Registrant was active in the sport.

### **C Prohibited Behaviours**

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

In addition to the Prohibited Behaviours described in the UCCMS, this Code sets out other expected standards of behaviour and conduct for all Registrants. Any failure to respect these expected standards of behaviour by a Registrant may constitute a breach of this Code.

## **D Responsibilities of Registrants**

11) All Registrants have a responsibility to:

- a) refrain from any behaviour that constitutes Maltreatment or Prohibited Behaviour under this Code or the UCCMS;
- b) maintain and enhance the dignity and self-esteem of other Registrants by:
  - a. treating each other with fairness, honesty, respect and integrity;
  - b. focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or other Registrants;
  - c. consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct; and
  - d. ensuring adherence to the rules of the sport and the spirit of those rules.
- c) refrain from the use of power or authority to coerce another person to engage in inappropriate activities.
- d) refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or Events of the NSO or a Member.
- e) in the case of minors, not consume alcohol, tobacco, or cannabis at any competition or Event.
- f) in the case of individuals who are not minors, not consume cannabis in the Workplace or in any situation associated with the Events of the NSO or a Member (subject to protections under applicable human rights legislation), not consume alcohol during training, competitions, or in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations.
- g) when driving a vehicle:
  - a. have a valid driver's license;
  - b. obey traffic laws;
  - c. not be under the influence of alcohol or illegal drugs or substances;
  - d. have valid car insurance; and
  - e. refrain from engaging in any activity that would constitute distracted driving.
- h) respect the property of others and not wilfully cause damage;
- i) promote sport in the most constructive and positive manner possible;

- j) refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a competition and not offer, receive or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition. A benefit includes the direct or indirect receipt of money or other anything else of value including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages. Sporting advantage is also a benefit;
- k) adhere to all applicable federal, provincial/territorial, municipal and host country laws; and,
- l) comply with the bylaws, policies, procedures, rules, and regulations of the NSO, its Members and those of any other sport NSO with authority over the Registered Participants as applicable, and as adopted and amended from time to time.

## **E Directors, Committee Members, and Employees**

12) In addition to Section D (above), Directors, Committee Members, and employees of the NSO and its Members have additional responsibilities to:

- a) function primarily as a Director, committee member or employee of the NSO or the Members (as applicable) and ensure to prioritize their duty of loyalty to the NSO or the Members (and not to any other organization or group) while acting in this role;
- b) act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of a Registered Participant's confidence;
- c) ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
- d) comply with their obligations under any screening procedures, including understanding ongoing screening expectations and cooperating fully in the screening process;
- e) conduct themselves openly, professionally, lawfully and in good faith;
- f) be independent and impartial and not let self-interest, outside pressure, expectation of reward, or fear of criticism in their decision-making on behalf of the NSO;
- g) exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws;
- h) maintain required confidentiality of organizational information;
- i) commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings; and,
- j) have a thorough knowledge and understanding of all governance documents.

## **F Athlete Support Personnel**

13) In addition to Section 12 (above), Athlete Support Personnel have many additional responsibilities.

14) Athlete Support Personnel must understand and respect the inherent Power Imbalance that exists in their relationship with Athletes and must be extremely careful not to abuse it, either consciously or unconsciously.

15) Athlete Support Personnel will:

- a) avoid any behaviour that abuses the Power Imbalance inherent in their position;
- b) ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the athletes;
- c) prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes;
- d) avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals (where appropriate) in the diagnosis, treatment, and management of athletes' medical and psychological treatments;
- e) support the Athlete Support Personnel of a training camp or national team should an athlete qualify for participation with one of these programs;
- f) comply with all established responsibilities and obligations as set out by the Athlete's Support Personnel's professional governing association or order, if any;
- g) accept and promote athletes' personal goals and refer athletes to other coaches and sport specialists as appropriate;
- h) provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete;
- i) act in the best interest of the athlete's development as a whole person;
- j) comply with their obligations under any screening procedures, including understanding ongoing screening expectations and fully cooperating in the screening process;
- k) under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of minors, alcohol, cannabis, and/or tobacco;
- l) respect competitor athletes and, in dealings with them, not encroach upon topics or take actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes;
- m) when a Power Imbalance exists, not engage in a sexual or intimate relationship with an athlete of any age;
- n) disclose to the NSO or the Member (as applicable) any sexual or intimate relationship with an athlete over the age of majority and, if requested by the NSO, immediately discontinue any coaching involvement with that athlete;

- o) recognize the power inherent in their position and respect and promote the rights of all Registrants in sport. This is accomplished by establishing and following procedures for confidentiality, privacy of their personal information, informed participation, and fair and reasonable treatment. Athlete Support Personnel have a special responsibility to respect and promote the rights of Registrants who are in a vulnerable or dependent position and less able to protect their own rights; and,
- p) dress professionally and use appropriate language.

## **G Athletes**

16) In addition to Section 12 (above), athletes have additional responsibilities to:

- a) follow their athlete agreement;
- b) report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- c) participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations;
- d) properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason;
- e) adhere to any rules and requirements regarding clothing, professionalism, and equipment; and,
- f) act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by Athlete Support Personnel.

## **H Officials**

17) In addition to Section 12 (above), officials have additional responsibilities to:

- a) maintain and update their knowledge of the rules and rule changes;
- b) not publicly criticize other Registrants;
- c) adhere to the rules of their national and provincial federations and any other sport organization that has relevant and applicable authority;
- d) place the safety and welfare of competitors, and the fairness of the competition, above all else;
- e) strive to provide a fair sporting environment, and at no time engage in Maltreatment or Prohibited Behaviour toward any person on the field of play;
- f) respect the terms of any agreement that they enter into with the NSO or a Member;
- g) work within the boundaries of their position's description while supporting the work of other officials;



- h) act as an ambassador of the sport by agreeing that they enter with the NSO or a Member;
- i) take ownership of actions and decisions made while officiating;
- j) respect the rights, dignity, and worth of all Registered Participants;
- k) act openly, impartially, professionally, lawfully, and in good faith;
- l) be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;
- m) respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Registrants;
- n) comply with their obligations under any screening procedures, including understanding ongoing screening expectations and fully cooperating in the screening process;
- o) honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or the NSO or the Member at the earliest possible time;
- p) when writing reports, set out the facts to the best of their knowledge and recollection; and,
- q) dress in appropriate attire for officiating.

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

18) In addition to section D (above), parents/guardians and spectators at Events will:

- a) encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence;
- b) condemn the use of violence in any form;
- c) never ridicule a Registered Participant for making a mistake during a competition or practice;
- d) respect the decisions and judgements of officials and encourage Athletes to do the same;
- e) support all efforts to stop and prevent verbal and physical abuse, coercion, intimidation, and excessive sarcasm;
- f) respect and show appreciation for all competitors, and to coaches, officials and other volunteers;
- g) never harass Registered Participants, competitors, Athlete Support Personnel, officials, parents/guardians, or spectators; and,
- h) never encourage, aid, covert up or assist an Athlete in cheating through doping, competition manipulation or other cheating behaviour.

## **I Members and Clubs**

19) Members and Clubs must:

- a) adhere to all the NSO's governing documents and policies, and, when required, amend their own rules to comply or align with those of the NSO;
- b) pay all required dues and fees by the prescribed deadlines;
- c) ensure that all Athletes and coaches participating in sanctioned competitions and Events of the NSO are registered and in good standing;
- d) appropriately screen prospective employees to help ensure Athletes have a healthy and safe sport environment;
- e) ensure that any possible or actual misconduct is investigated promptly and thoroughly;
- f) impose appropriate disciplinary or corrective measures when misconduct has been substantiated;
- g) advise the NSO immediately of any situation where a complainant has publicized a complaint in the media (including social media);
- h) provide the NSO with a copy of all decisions rendered pursuant to the NSO policies for complaints and appeals; and,
- i) implement any decisions and disciplinary sanctions imposed pursuant to the NSO, any Member or Club's discipline process.

## **Anti-Doping**

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

21) All Registered Participants shall:

- a) abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force;
- b) refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable anti-doping rules;
- c) cooperate with any Anti-Doping Sport Organization that is conducting an investigation into any anti-doping rule violation;

- d) refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, regardless of whether such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program; and,
- e) all Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under the NSO or a Member's jurisdiction.

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

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

### **Privacy**

23) The collection, use and disclosure of any personal information pursuant to this Policy is subject to the *Privacy Policy* and the NSO's policies and procedures related to the protection of confidential information (as applicable).

### **K Definitions**

24) Terms in this Code are defined as follows:

- a) **Abuse-Free Sport (AFS):** Program created by Sport Dispute Resolution Centre of Canada (SDRCC) in accordance with its mandate to establish an independent safe sport mechanism to implement the UCCMS.
- b) **Abuse-Free Sport Participant:** Individual participating in the Signatory's operations, activities and programs who is bound by the Abuse-Free Sport Participant Consent Form. Abuse-Free Sport Participant may include, without limitation, an athlete, a coach, an official, an athlete support personnel, an employee, a contractual worker, an administrator or a volunteer acting on behalf of, or representing the Signatory in any capacity.
- c) **Athlete:** An individual who is a Registrant in the NSO who is subject to the policies of the NSO and to this Code.

- d) **Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition.
- e) **Bullying:** Offensive behaviour and/or abusive treatment of a Registrant that typically, but not always, involves an abuse of power.
- f) **Event:** An event, which may include a social event, sanctioned by the NSO or a Member.
- g) **Harassment or harass:** A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome.
- h) **Member:** refers to the provincial/territorial organisations that are admitted as Members of the NSO per the NSO's by-laws.
- i) **NSO:** Skimo Canada
- j) **Office of the Sport Integrity Commission (OSIC):** functionally independent division of the SDRCC, or designate responsible for administering the UCCMS for the purposes of the Abuse-Free Sport Program, which specific responsibilities include (i) administering the Complaint Management and the Sport Environment Assessment processes; (ii) maintaining the Registry; (iii) monitoring organizational compliance by Abuse-Free Sport Signatories and issuing reports as required, and (iv) acting as the central hub for Abuse-Free Sport. This definition shall take into account the transfer of OSIC outside the structure of the SDRCC once the transfer becomes effective.
- k) **Registered Participants:** refers to all categories of individual members and/or registrants defined in the By-laws of the NSO who are subject to the policies of the NSO, as well as all people employed by, contracted by, or engaged in activities with, the NSO including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, or directors and officers.
- l) **Person in Authority:** Any Registered Participant who holds a position of authority within the NSO including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- m) **Power Imbalance:** As defined in the UCCMS.
- n) **Signatories:** UCCMS Adopting Organisations (as defined in the UCCMS), including the NSO, that have retained the services of the Abuse-Free Sport program for the administration and enforcement of the UCCMS, pursuant to an agreement in effect with the SDRCC or its designate.
- o) **UCCMS:** The Universal Code of Conduct to prevent and address Maltreatment in Sport, as amended from time to time by the relevant functions of Abuse-Free Sport.
- p) **Volunteer Participant:** as defined in the UCCMS.
- q) **Workplace:** Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions.

## **DISCIPLINE AND COMPLAINTS POLICY**

(the “Policy”)

### **Purpose**

- 1) Registered Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the NSO’s policies, By-laws, rules and regulations of the NSO as updated and amended from time to time.
- 2) Non-compliance with any of the NSO’s policies, by-laws, rules, or regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this Policy (or the by-laws of the NSO or, as applicable, those of its Members).

### **Scope of Application**

- 3) This Policy applies to all [Organizational Participants/Individuals/Registered Participants] and to any alleged breaches of the NSO’s policies, by-laws, rules or regulations, or any of those of its Members, that designate this Policy as applicable to address such alleged breaches.
- 4) In addition to being subject to disciplinary action pursuant to this Policy, an employee of the NSO who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s employment agreement or the NSO’s human resources policies, if applicable.

### **Reporting**

#### **Abuse-Free Sport Participants**

- 5) Any incident that involves alleged Maltreatment or Prohibited Behaviour (as defined in the UCCMS) and involving an Abuse-Free Sport Participant must be reported to the OSIC <https://sportintegritycommissioner.ca/> and will be addressed pursuant to the OSIC’s policies and procedures.
- 6) Notwithstanding the requirement in Section 5, the OSIC shall determine the admissibility of complaints related to any incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred prior to October 15, 2024 in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment as well as the terms of the Abuse-Free Sport Participant Consent Form.
- 7) If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

## **Registered Participants**

- 8) Any complaints involving alleged breaches of the NSO's policies that do not fall within Sections 5 or 6 above may be reported by an individual to the Independent Third Party in writing within 30 days. For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction.
- 9) Notwithstanding any provision in this Policy, the NSO may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the NSO will identify an individual to represent the organization.
- 10) A Complainant or any other individual who submits a report regarding a potential breach of the NSO's policies who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the individual/Complainant's identity must remain confidential, the Independent Third Party may ask that the NSO take carriage of the complaint and act as the Complainant.
- 11) In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by the NSO if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member does not have policies in place to address the complaint. In such circumstances, the NSO shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to the NSO managing the complaint.
- 12) Where the Independent Third Party refers a matter to be managed by a Member or affiliated organization, or where a Member or affiliated organization is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member and/or affiliated organization fails to conduct disciplinary proceedings within a reasonable timeline, the NSO may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that the NSO acted reasonably in taking jurisdiction over the matter, the NSO's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member and/or affiliated organization to the NSO.

## **Minors**

- 13) Complaints may be brought by or against a Registered Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
- 14) Communication from the Independent Third Party, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
- 15) If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
- 16) A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

## **Independent Third-Party Responsibilities**

17) Upon receipt of a complaint, the Independent Third Party has a responsibility to:

- a) determine whether the complaint falls within the jurisdiction of this Policy [and whether it has been submitted in accordance with the deadlines indicated herein];
- b) determine the appropriate jurisdiction to manage the complaint by considering the following:
  - i) whether the incident occurred within the business, activities, or Events of the NSO, or one of its Members or affiliated organizations; and,
  - ii) if the Member or affiliated organization is able to manage the complaint process<sup>1</sup>.
- c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith;
- d) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

## **Available Process**

There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 5-7, the Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

**Process #1** - the complaint contains allegations involving the following behaviours:

- a) disrespectful conduct or comments;
- b) minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2;

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<sup>1</sup> In making this assessment, the Independent Third Party may determine that the Member or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member or affiliated organization is not the appropriate instance to manage the complaint due to its seriousness (for example, clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member or affiliated organization.

If the Independent Third Party determines that the Complaint or Report should be handled by a Member, PTSO or affiliated organization, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, PTSO or affiliated organization, any reference to the Independent Third Party below shall be understood as a reference to the Independent Third Party of the PTSO or affiliated organization.

- c) conduct contrary to the values of the NSO or those of one of its Members or affiliated organizations;
- d) non-compliance with the policies, procedures, rules, or regulations of the NSO or those of one of its Members or affiliated organizations; or
- e) minor violations of the policies or bylaws of the NSO or those of one of its Members or affiliated organizations.

\*\*\* The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

**Process #2** - the complaint contains allegations involving the following behaviours:

- a) repeated incidents described in Process #1;
- b) hazing;
- c) abusive, racist, or sexist comments, conduct or behaviour;
- d) incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the "Code") or the UCCMS;
- e) major incidents of violence (e.g., fighting, attacking);
- f) pranks, jokes, or other activities that endanger the safety of others;
- g) conduct that intentionally interferes with a competition or with any athlete's preparation for a competition;
- h) conduct that intentionally damages the image, credibility, or reputation of the NSO or that of one of its Members or affiliated organizations;
- i) consistent disregard for the by-laws, policies, rules, or regulations of the NSO or those of one of its Members or affiliated organizations;
- j) major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
- k) intentionally damaging the property of the NSO, one of its Members or affiliated organizations, or improperly handling any of the aforementioned organizations' monies;
- l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; and/or
- m) a conviction for any *Criminal Code* offense.

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2



## **PROVISIONAL SUSPENSIONS**

18. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Registered Participant by the Independent Third Party after which further discipline or sanctions may be applied according to this Policy.
19. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party.<sup>2</sup>
20. Notwithstanding the above, the NSO and/or Independent Third Party may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel. For the avoidance of doubt, the NSO and/or Independent Third Party may impose additional interim measures or a Provisional Suspension in addition to any measures imposed by the DSO through the AFS process.
21. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, the NSO shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
22. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

## **Procedural Steps**

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

#### **Internal Discipline Chair**

23. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair<sup>3</sup> who may:
  - a) propose alternative dispute resolution techniques, if appropriate; and/or
  - b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings).

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<sup>2</sup> In-competition discipline or sanction imposed by the applicable official or authority does not prevent a 'Registered Participant' from facing additional disciplinary proceedings under the Code.'

<sup>3</sup> The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.

Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or

- c) Following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
24. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
25. The Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
26. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the relevant club, Member and the NSO. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

## **PROCESS #2: Handled by Independent Third Party and External Discipline Panel**

### **Independent Third Party**

27. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
- a) coordinate all administrative aspects of the process and set reasonable timelines;
  - b) provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of the NSO, any Member or any other sport organization that had authority over the Respondent;
  - c) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
28. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion;

29. If warranted based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
30. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
31. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and the NSO and/or the Member are reasonable.
  - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
  - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
  - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
  - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.
  - f) If not a Party to the matter, the NSO and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, the NSO and/or the relevant Member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision.
  - g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.
  - h) Nothing is admissible in evidence at a hearing that:
    - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
    - ii. is inadmissible by any statute
  - i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.

32. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
33. The process will proceed if a Party chooses not to participate in the hearing.
34. 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 complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.
35. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

## **DECISION**

36. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
37. Within fourteen (14) days of the conclusion of the hearing, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to the NSO and the relevant Member(s).
38. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
39. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to the NSO and all of its Members and associated organizations, [according to the terms of the Reciprocity Policy]
40. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, the NSO or the Member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Registered Participants involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published by the NSO or one of its Members.
41. If the External Discipline Panel dismisses the complaint, the information referred to in Section 40 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 40 above will be kept confidential by the Parties, the Independent Third Party, the NSO and the Member (including the Respondent's club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.

42. Other individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.
43. Records of all decisions will be maintained by the NSO in accordance with their Privacy Policy.
44. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
  - a) jurisdiction;
  - b) summary of the facts and relevant evidence;
  - c) where applicable, the specific provision(s) of the NSO's policies, bylaws, rules or regulations that have been breached;
  - d) which Party or organization is responsible for the costs of implementing any sanction;
  - e) which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
  - f) any reinstatement conditions that the Respondent must satisfy (if any);
  - g) which organization is responsible for ensuring that the conditions have been satisfied; and,
  - h) any other guidance that will assist the Parties to implement the External Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

## **SANCTIONS**

45. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider the following factors (where applicable):
  - a) the nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
  - b) the Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
  - c) the respective ages of the individuals involved;
  - d) whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) the Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of the NSO;

- f) real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
  - g) circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Code; addiction; disability; illness);
  - h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - j) other mitigating or aggravating circumstances.
46. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.
47. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an Registered Participant(s) has violated the *Code* and that more severe sanctions will result should the Registered Participant(s) be involved in other violations.
  - b) **Education** - the requirement that an Registered Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS.
  - c) **Probation** - Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the NSO. A suspended Registered Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Registered Participant(s) satisfying specific conditions noted at the time of suspension.
  - e) **Eligibility Restrictions** - restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
  - f) **Permanent Ineligibility** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the NSO.
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

48. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
  - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made in accordance with the applicable process.
49. A Registered Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with the NSO. Such *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.
50. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

### **OSIC SANCTION**

51. As an Abuse-Free Sport Signatory, the NSO will ensure that any sanctions or measures imposed by Abuse-Free Sport's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within the NSO's jurisdiction (including at the provincial, territorial and club level), once the NSO receives appropriate notice of any sanction or measure from Abuse-Free Sport.

### **APPEALS**

52. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

### **CONFIDENTIALITY**

53. The disciplinary process is confidential and involves only the NSO, the Member (where applicable) the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.
54. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 54 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless the NSO is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have

been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

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

## **TIMELINES**

56. 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 Independent Third Party may direct that these timelines be revised.

## **PRIVACY**

57. The collection, use and disclosure of any personal information pursuant to this Policy is subject to the NSO's Privacy Policy.
58. The NSO, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with the NSO's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

## **Definitions**

59. The following terms have these meanings in this Policy:
- a) **Abuse-Free Sport (AFS):** Program created by Sport Dispute Resolution Centre of Canada (SDRCC) in accordance with its mandate to establish an independent safe sport mechanism to implement the UCCMS.
  - b) **Abuse-Free Sport Participant:** Individual participating in the Signatory's operations, activities and programs who is bound by the Abuse-Free Sport Participant Consent Form. Abuse-Free Sport Participant may include, without limitation, an athlete, a coach, an official, an athlete support personnel, an employee, a contractual worker, an administrator or a consent volunteer acting on behalf of, or representing the Signatory in any capacity.
  - c) **Abuse-Free Sport Participant Consent Form:** Consent terms and conditions regarding the administration and enforcement of the UCCMS for Abuse-Free Sport Participants, in force at any time (including without limitation, pursuant to consent provided during a previously signed agreement between the signatory and the SDRCC for the services of the OSIC/AFS)
  - d) **Athlete:** an individual who is an Athlete participant in the NSO who is subject to the policies of the NSO.
  - e) **Independent Third Party:** the individual retained by the NSO to receive reports and complaints, and to fulfill the responsibilities outlined in the Discipline and Complaints Policy, Investigations Policy and Appeal Policy, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.



- f) **Complainant:** an individual who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in the NSO's policies, by-laws, rules or regulations, or the UCCMS..
- g) Days – calendar days<sup>4</sup>
- h) **Director of Sanctions and Outcomes (DSO):** *function of Abuse-Free Sport, including the DSO, Deputy Director of Sanctions and Outcomes (DDSO), and their delegates, reporting to the Maltreatment in Sport Sanctions Council (MSSC), that is responsible for making decisions regarding provisional measures and violations of the UCCMS, imposing sanctions where relevant, appearing before the Safeguarding Tribunal and the Appeal Tribunal when decisions are challenged, and reviewing and approving mediated outcomes to ensure that they align with the objectives of the Abuse-Free Sport program.*
- i) **External Discipline Panel:** *a Panel of one or three people who are appointed by the Independent Third Party to decide on complaints that are assessed under Process #2 of this Policy.*
- j) **Event:** *an event sanctioned by the NSO or a Member, and which may include a social Event.*
- k) **Harassment:** *as defined in the Code.*
- l) **Internal Discipline Chair:** *an individual appointed by the NSO to decide on complaints that are assessed under Process #1 of this Policy. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with the NSO but must not be in a conflict of interest or have a direct relationship with any of the Parties.*
- m) **Maltreatment:** *as defined in the UCCMS.*
- n) **Minor:** *as defined in the UCCMS.*
- o) **Parties:** *the individuals involved in a dispute.*
- p) **Office of the Sport Integrity Commissioner (OSIC):** *functionally independent division of the SDRCC, or its designate, responsible for administering the UCCMS for purposes of the Abuse-Free Sport program, which specific responsibilities include (i) administering the Complaint Management and the Sport Environment Assessment processes; (ii) maintaining the Registry; (iii) monitoring organizational compliance by Abuse-Free Sport Signatories and issuing reports as required, and (iv) acting as the central hub for Abuse-Free Sport. This definition shall take into account the transfer of OSIC outside the structure of the SDRCC, once the transfer becomes effective.*
- q) **Registered Participant:** *refers to all categories of individual members and/or registrants defined in the by-laws of the NSO who are subject to the policies, rules and regulations of the NSO, as well as all persons employed by, contracted by, or engaged in activities with, the NSO including, but not limited to,*

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<sup>4</sup> For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

*employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, managers, administrators, committee members, parents or guardians, spectators, committee members, or directors and officers.*

- r) **Person in Authority** – *any Organizational Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, or directors and officers.*
- s) **Power Imbalance** – *as defined in the UCCMS.*
- t) **Provisional Suspension** – *means that the Registered Participant is barred temporarily from participating in any capacity in any Event or activity of the NSO and its Members, or as otherwise decided pursuant to the Discipline and Complaint Policy, prior to the decision rendered in a hearing conducted pursuant to this Policy*
- u) **Respondent** – *the Party responding to the complaint.*
- v) **Signatories** - *UCCMS Adopting Organizations (as defined in the UCCMS), including the NSO, that have retained the services of the Abuse-Free Sport program for the administration and enforcement of the UCCMS, pursuant to an agreement in effect with the SDRCC or its designate.*
- w) **UCCMS** - *Universal Code of Conduct to prevent and address Maltreatment in Sport, as amended from time to time by the relevant functions of Abuse-Free Sport.*
- x) **Vulnerable Participant** – *as defined in the UCCMS.*

## **Appendix A – Investigation Procedure**

### **Determination**

1. When a complaint is submitted pursuant to the Policy and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.

### **Investigation**

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third-party with experience in investigating. The investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
  - a) Interviews with the Complainant;
  - b) Witness interviews;
  - c) Statement of facts (Complainant's perspective) prepared by investigator, acknowledged by the Complainant and provided to the Respondent;
  - d) Interviews with the Respondent; and/or
  - e) Statement of facts (Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

### **Investigator's Report**

5. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the Discipline and Complaints Policy because they constitute a likely breach of the Code of Conduct and Ethics, the UCCMS or any other relevant and applicable NSO or Member policy. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
6. The investigator's report will be provided to the Independent Third Party who will disclose, at their discretion, all or part of the investigation to the NSO and the relevant Members (if applicable). The Independent Third Party may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.

7. Should the investigator find that there are possible Criminal Code offences, the investigator shall advise the Parties, the NSO and, where applicable, the Member, and the matter shall be referred by the Independent Third Party to the police.
8. The Investigator must also inform the NSO or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

### **Reprisal and Retaliation**

9. A Registered Participant who submits a complaint to the Independent Third Party or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Prohibited Behaviour and be subject to disciplinary proceedings pursuant to the Discipline and Complaints Policy or, as applicable, the policies and procedures of the AFS.

### **False Allegations**

10. A Registered Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the Discipline and Complaints Policy and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to the NSO or the Member (as applicable) that the Registered Participant be required to pay for the costs of any investigation that comes to this conclusion. Any Registered Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Member and NSO Events, activities or business. NSO or any Member(s) (as applicable), or the Registered Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.
11. Anonymity The Investigator will make reasonable efforts to preserve the anonymity of the NSO, Respondent, and any other Party. However, the NSO and its Members recognize that maintaining full anonymity during an investigation may not be feasible.

### **Confidentiality**

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to the NSO's Privacy Policy.
13. The NSO, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with the NSO's Privacy Policy (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

## APPEAL POLICY

### **Purpose**

1. This *Appeal Policy* provides Registrants and Class A Members with a fair and expedient appeal process.

### **Scope and Application of this Policy**

2. This Policy applies to all Registrants and Class A Members.
3. Any Registrant or Class A Member that is directly affected by a decision made by the NSO shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of Interest
  - d) Membership
5. This Policy **will not apply** to decisions relating to:
  - a) Discipline (appeals of discipline decisions are handled pursuant to the *Dispute and Discipline Policy*)
  - b) Employment
  - c) Infractions for doping offenses
  - d) The rules of the sport
  - e) Selection criteria, quotas, policies, and procedures established by entities other than the NSO
  - f) Substance, content and establishment of team selection or carding criteria
  - g) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - h) Budgeting and budget implementation
  - i) The organization's operational structure and committee appointments
  - j) Decisions or discipline arising within the business, activities, or events organized by entities other than the NSO (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion)

- k) Commercial matters for which another appeals process exists under a contract or applicable law
- l) Decisions made under this Policy

### **Timing of Appeal**

6. A Registrant or Class A Member that wishes to appeal a decision has seven (7) days from the date on which they received notice of the decision to submit the following:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds
  - i) Requested remedy or remedies
  - j) An administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld
7. A Registrant or Class A Member that wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

### **Submitting an Appeal**

8. Appeals of decisions made by the NSO can be submitted to the NSO to be heard pursuant to this Policy.
9. The NSO shall appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.

### **Grounds for Appeal**

10. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include:

- a) The Respondent made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
- b) The Respondent failed to follow its own procedures (as set out in the Respondent's governing documents)
- c) The Respondent 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) The Respondent made a decision that was patently unreasonable

### **Screening of Appeal**

- 11. At the discretion of the Appeal Manager, and with the guidance of the Appeal Manager, the parties may first attempt to resolve the appeal through alternative dispute resolution techniques, such mediation and negotiation.
- 12. Appeals resolved via alternative dispute resolution techniques will result in the administration fee being refunded to the Appellant.
- 13. Should the appeal not be resolved by using alternative dispute resolution techniques, the Appeal Manager will have the following responsibilities:
  - a) To determine if the appeal falls under the scope of this Policy
  - b) To determine if the appeal was submitted in a timely manner
  - c) To decide whether there are sufficient grounds for the appeal
- 14. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- 15. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

### **Determination of Affected Parties**

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

## Procedure for Appeal Hearing

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

## Appeal Decision

21. 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.



22. The Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
  - a) Reject the appeal and confirm the decision being appealed;
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
  - c) Uphold the appeal and vary the decision.
23. The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.
24. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and the NSO. 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**

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

### **Confidentiality of Process**

26. The appeals process is confidential and involves only the parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. None of the Parties will disclose confidential information relating to the appeals process to any person not involved in the proceedings.

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

27. Unless otherwise directed by the Appeal Panel, the decision of the Appeal Panel is confidential and may not be distributed publicly or to any individual other than the parties and the Board of Directors of the NSO.
28. Unless the matter involves a minor, the NSO may publish on its website, or distribute to other individuals or groups as necessary, the outcome of the appeals process and the name(s) of the Registrant(s) involved. Identifying information regarding minors will never be published.

29. As may be required by law, by Sport Canada, or by another organization, 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.

## Final and Binding

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

## Definitions

31. Terms in this Policy are defined as follows:

- a) **Affected Party** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.
- b) **Appeal Manager** – An individual, who may be any staff member, Committee Member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*.
- c) **Appellant** – The Party appealing a decision.
- d) **Board** – The Board of Directors of the NSO.
- e) **Class A Member** – As defined in the By-laws, Class A Members are the Alpine Club of Canada and any provincial or territorial ski mountaineering competition organization recognized by the NSO as the sole governing body for the sport of ski mountaineering in its respective province or territory.
- a) **Days** – Days including weekends and holidays.
- b) **Director** – An individual appointed or elected to the Board of Directors of the NSO.
- c) **Parties** – The Appellant, Respondent, and any Affected Party.
- d) **Registrant** – Refers to all categories of individual members and/or registrants defined in the By-laws of the NSO who are subject to the policies of the NSO, as well as all people employed by, contracted by, or engaged in activities with, the NSO including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, and Directors and Officers.
- e) **Respondent** – The body whose decision is being appealed.

## **ATHLETE PROTECTION GUIDELINES**

### **Purpose**

1. These *Athlete Protection Guidelines* describes how Persons in Authority shall maintain a safe sport environment for all Athletes.

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

2. **The NSO** requires that the ‘Rule of Two’ be followed for all Persons in Authority who interact with Athletes, to the maximum extent feasible. The ‘Rule of Two’ is a directive that says that an Athlete must never be alone one-on-one with an unrelated Person in Authority.
3. The NSO recognizes that fully implementing the ‘Rule of Two’ may not always be possible in some instances. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) To the maximum extent possible, the training environment should be visible and accessible so that all interactions between Persons in Authority and Athletes are observable.
  - b) Private and one-on-one situations that are not observable by another adult or Athlete should be avoided to the extent possible.
  - c) A Vulnerable Participant may not be alone under the supervision of a Person in Authority unless prior written permission is obtained from the Vulnerable Participant’s parent or guardian.
  - d) Persons in Authority may not invite or host Vulnerable Participants in their home without the written permission from parents or guardians or without parents or guardians having contemporaneous knowledge of the visit.

### **Competitions and Training Sessions**

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

adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant.

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

## **Communications**

5. For communication between Persons in Authority and Athletes, the NSO recommends:

- a) Persons in Authority may only send texts, direct messages on social media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone.
- b) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such personal communication is unavoidable, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian (when the Athlete is a Vulnerable Participant).
- c) Parents/guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or may request that certain information about their child not be distributed in any form of electronic communication.
- d) All communication between a Person in Authority and Athletes must be between the hours of 6:00am and midnight unless extenuating circumstances justify otherwise.
- e) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted.
- f) No sexually explicit language or imagery or sexually oriented conversation may be communicated in any medium.
- g) Persons in Authority are not permitted to ask Athletes to keep a personal secret for them.

## **Travel**

6. For travel involving Persons in Authority and Athletes, the NSO recommends:

- a) Teams or groups of Athletes shall always have at least two Persons in Authority with them.

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

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

7. For locker rooms, changing areas and other closed meeting spaces, the NSO recommends:

- a) Interactions between Persons in Authority and Athletes should not occur in any area where there is a reasonable expectation of privacy such as a locker room, washroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such area.
- b) Parents/guardians are not permitted in the locker rooms / changing areas.
- c) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, for reasons including but not limited to team communications and/or emergencies.

### **Photography / Video**

8. For all photography and video of an Athlete, the NSO recommends:

- a) Photographs and video should only be taken in public view. Content must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete.
- b) The use of recording devices in areas where there is a reasonable expectation of privacy is strictly prohibited.
- c) Examples of photos that shall be edited or deleted include:
  - i. Images with misplaced apparel or where undergarments are showing
  - ii. Suggestive or provocative poses

- iii. Images deemed embarrassing by the subject

## Physical Contact

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

## Enforcement

10. Any alleged violations of these *Athlete Protection Guidelines* may be addressed pursuant to the *Dispute and Discipline Policy*.

## Definitions

11. Terms in this Policy are defined as follows:

- a) **Athlete** – An individual who is an athlete Registrant in the NSO who is subject to the policies of the NSO.
- b) **Person in Authority** – Any Registrant who holds a position of authority within the NSO including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- c) **Registrant** – Refers to all categories of individual members and/or registrants defined in the By-laws of the NSO who are subject to the policies of the NSO, as well as all people employed by, contracted by, or engaged in activities with, the NSO including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, and Directors and Officers.
- d) **Vulnerable Participants** – Includes minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by Persons in Authority).

## **SOCIAL MEDIA POLICY AND GUIDELINES**

### **Preamble**

1. **The NSO** is aware that Registrant interaction and communication occurs frequently on Social Media. The NSO cautions Registrants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Dispute and Discipline Policy*.

### **Application of this Policy**

2. This Policy applies to all Registrants.

### **Conduct and Behaviour**

3. All conduct and behaviour occurring on Social Media must comply with the *Code of Conduct and Ethics*.
4. Registrants may not engage in the following behaviour on Social Media:
  - a) Posting a disrespectful, hateful, harmful, disparaging, or insulting comment on a social medium that is directed at a Registrant, at the NSO, or at other individuals connected with the NSO
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, embarrassing, suggestive, provocative, or otherwise offensive, and that is directed at a Registrant, at the NSO, or at other individuals connected with the NSO
  - c) Creating or contributing to a Facebook group, webpage, Instagram account, X feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about the NSO or its stakeholders or reputation
  - d) Any instance of cyber-bullying or cyber-harassment between one Registrant and another Registrant (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.

### **Registrants Responsibilities**

5. Registrants should be aware that their social media activity may be viewed by anyone; including the NSO.

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

### **The NSO Responsibilities**

10. **The NSO** has a responsibility to understand if and how Persons in Authority and athletes are using Social Media to communicate with each other. Persons in Authority and athletes may need to be reminded that behaviour in Social Media is still subject to the *Code of Conduct and Ethics* and *Social Media Policy*.
11. Complaints and concerns about the behaviour of a Person in Authority or athlete in Social Media can be addressed under the *Dispute and Discipline Policy*.

### **Guidelines**

12. The Guidelines in this section provide Persons in Authority and athletes with tips and suggestions for Social Media use. Persons in Authority and athletes are strongly encouraged to develop their own strategy for Social Media use (either written down or not) and ensure that their strategy for Social Media use is acceptable pursuant to the *Code of Conduct and Ethics*;
13. Given the nature of Social Media as a continually developing communication sphere, the NSO trusts its Persons in Authority and athletes to use their best judgment when interacting with Social Media. These Guidelines are not hard and fast rules or behavioural laws; but rather recommendations that will inform individuals' best judgment.

### **Social Media Guidelines for Persons in Authority**

14. Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:
  - a) With minor athletes, ensure that parents/guardians are aware if some interactions may take place on Social Media and the context for those interactions, and give parents/guardians the option to prohibit or restrict communication in this space



- b) Attempt to make communication with athletes in Social Media as one-sided as possible. Be available for athletes if they initiate contact – athletes may wish to have this easy and quick access to you – but avoid imposing yourself into an athlete’s personal Social Media space
- c) Ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways
- d) Choosing not to engage with Social Media is an acceptable strategy. Be prepared to inform athletes (and/or parents/guardians) why you will not engage in this space and explain which media you will use to communicate with them
- e) Athletes will search for your Social Media accounts. Be prepared for how you will respond when an athlete attempts to interact with you on Social Media
- f) Annually review and update the privacy settings on all your Social Media accounts
- g) Consider monitoring or being generally aware of athletes’ public Social Media behaviour to ensure compliance with *Code of Conduct and Ethics* and this Policy
- h) Never demand access to an athlete’s private posts on X, Instagram, or Facebook
- i) Do not send friend requests to athletes. Never pressure athletes to send you a friend request or follow your Social Media accounts
- j) If you accept a friend request from one athlete, you should accept these requests from all athletes. Be careful not to show favouritism on Social Media
- k) Consider managing your Social Media so that athletes do not have the option to follow you on X or send you a friend request on Facebook
- l) Do not identify minor athletes on publicly available Social Media
- m) Seek permission from adult athletes before identifying them on publicly available Social Media
- n) Avoid adding athletes to Snapchat and do not send snapchats to athletes
- o) Do not post pictures or videos of minor athletes on your private Social Media accounts
- p) Be aware that you may acquire information about an athlete that imposes an obligation of disclosure on your part (such as seeing pictures of underage athletes drinking during a trip)
- q) If selection decisions and other official team business are announced on Social Media, ensure they are also posted on a less-social medium like a website or distributed via email
- r) Never require athletes to join Facebook, join a Facebook group, subscribe to an X feed, or join a Facebook page about your team or organization
- s) If you create a page on Facebook or Instagram for your team or athlete, do not make this Social Media site the exclusive location for important information. Duplicate important information in less-social channels (like on a website or via email)

- t) Exercise appropriate discretion when using Social Media for your own personal communications (with friends, colleagues, and other Persons in Authority) with the knowledge that your behaviour may be used as a model by athletes
- u) Avoid association with Facebook groups, Instagram accounts, or X feeds with explicit sexual conduct or viewpoints that might offend or compromise your relationship with an athlete
- v) Never misrepresent yourself by using a fake name or fake profile

## **Social Media Guidelines for Athletes**

15. The following tips should be used by athletes to inform their own strategy for Social Media use:

- a) Set your privacy settings to restrict who can search for you and what private information other people can see.
- b) Coaches, teammates, officials, or opposing competitors may all add you to Facebook or follow you on Instagram or X. You are not required to follow anyone or be Facebook friends with anyone.
- c) Avoid adding Persons in Authority to Snapchat and do not send snapchats to Persons in Authority.
- d) If you feel harassed by someone in a social medium, report it to your coach or another Person in Authority with your organization.
- e) You do not have to join a fan page on Facebook or follow an X feed or Instagram account.
- f) Content posted on a social medium, relative to your privacy settings, is considered public. In most cases, you do not have a reasonable expectation of privacy for any material that you post.
- g) Content posted to a social medium is almost always permanent – consider that other individuals may take screenshots of your content (even snapchats) before you can delete them.
- h) Avoid posting pictures of, or alluding to, participation in illegal activity such as: speeding, physical assault, harassment, drinking alcohol (if underage), and smoking marijuana (if underage).
- i) Model appropriate behaviour in Social Media befitting your status as a) an athlete, and b) a member of your organization and its governing organizations. As a representative of your organization, you have agreed to the *Code of Conduct and Ethics* and must follow that Code when you post material and interact with other people through Social Media.
- j) Be aware that your public Facebook page, Instagram account, or X feed may be monitored by your organization, coach, or by another organization and content or behaviour demonstrated in Social Media may be subject to sanction under the *Dispute and Discipline Policy*.

## Definitions

16. Terms in this Policy are defined as follows:

- a) **Registrant** – Refers to all categories of individual members and/or registrants defined in the By-laws of the NSO who are subject to the policies of the NSO, as well as all people employed by, contracted by, or engaged in activities with, the NSO including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, and Directors and Officers.
- b) **Person in Authority** – Any Registrant who holds a position of authority within the NSO including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- c) **Social Media** – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and X (formerly Twitter).

## SCREENING POLICY

### **Preamble**

1. **The NSO** 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 sport community.

### **Application of this Policy**

2. This Policy applies to all individuals whose position with the NSO identified in Appendix A
3. Not all individuals associated with the NSO will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to the NSO or Registrants. the NSO will determine which individuals will be subject to screening using the following guidelines (the NSO may vary the guidelines at their discretion):

Level 1 – Low Risk - Registrants 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 Participants. Examples:

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

Level 2 – Medium Risk – Registrants 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 Participants. Examples:

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

Level 3 – High Risk – Registrants 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 Participants. Examples:

- a) Full time coaches
- b) Coaches who travel with Athletes
- c) Coaches who could be alone with Athletes

## Screening Committee

4. The implementation of this policy is the responsibility of the Screening Committee which is a committee composed of either one (1) or three (3) members. The NSO will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately screen documents and render decisions under this Policy.
5. 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 NSO. 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.
6. Nothing in this Policy restricts or limits the Screening Committee from requesting that the individual attend an interview with the Screening Committee if the Screening Committee considers that an interview is appropriate and necessary to screen the individual's application.
7. Nothing in this Policy restricts or limits the Screening Committee from requesting the individual's authorization to contact any professional, sporting or other organization in order to assess the individual's suitability for the position that they are seeking.
8. Nothing in this Policy restricts or limits the Screening Committee from requesting further information from the individual on more than one occasion, subject to the individual's right to insist that the Screening Committee make a decision on the basis of the information before it.
9. The Screening Committee may, where appropriate, draw an adverse inference from an individual's failure to provide information or answer queries.
10. When assessing an individual's screening application, the Screening Committee shall determine whether there is reason to believe that the individual may pose a risk to the NSO or to another individual.
11. An individual having been previously penalized for a prior offence shall not prevent the Screening Committee from considering that offence as part of the individual's screening application.
12. If the Screening Committee determines on the basis of the individual's screening application, in addition to any further material received by it, that the individual does not pose a risk to the members of the NSO, the Screening Committee shall approve the individual's application, subject to the Screening Committee's right to impose conditions.
13. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall be provided to the applicant and to the Board of Directors of the NSO, which may disseminate the decision as they see fit in order to best fulfil the mandate of the NSO.
14. A Registrant whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of the NSO for two (2) years from the date the rejected application was made.

## Screening Requirements

15. A Screening Requirements Matrix is provided as **Appendix A**

16. It is the policy of the NSO that when an individual is first engaged by the organization:

- a) Level 1 individuals will:
  - i. Complete an Application Form (**Appendix B**)
  - ii. Complete a Screening Disclosure Form (**Appendix C**)
  - iii. Participate in training, orientation, and monitoring as described in the Screening Requirements Matrix (**Appendix A**)
- b) Level 2 individuals will:
  - i. Complete an Application Form
  - ii. Complete a Screening Disclosure Form
  - iii. Complete and provide a Vulnerable Sector Check (VSC)
  - iv. Provide one letter of reference related to the position
  - v. Participate in training, orientation, and monitoring as described in the Screening Requirements Matrix (**Appendix A**)
  - 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 described in the Screening Requirements Matrix (**Appendix A**)
  - 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 NSO. 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 NSO 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 *Dispute and Discipline Policy*.

17. For the purposes of this Policy, the NSO defines a young person as someone who is younger than the age of majority as defined in their home province.. When screening young people, the NSO 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 up to two (2) additional letters of reference.
18. Notwithstanding the above, the NSO 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 NSO understands that they may not request to see a young person's youth record.

## **Renewal**

19. 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, 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 D**) every year
  - d) A Vulnerable Sector Check once
20. At any time, including after either the submission of an individual's application or its approval (with or without conditions), the Screening Committee may re-open an individual's file for additional screening if it is advised of new information that, in the discretion of the NSO, could affect the assessment of the individual's suitability for participation in the programs or activities of the NSO, or the individual's interactions with other individuals involved with the NSO.

## **Orientation, Training, and Monitoring**

21. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the discretion of the NSO.
22. 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.
23. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
24. 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 (**Appendix E**).
25. 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**

26. An E-PIC may be obtained online via <http://www.backcheck.net/e-pic.htm>
27. Registrants 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.
28. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
29. The NSO understands that they may be required to assist an individual with obtaining a VSC. A Request for VSC (**Appendix F**) may need to be submitted or other documentation may need to be completed that describes the nature of the organization and the individual's role with Vulnerable Participants.

### **Procedure**

30. Screening documents must be submitted to the Screening Committee.
31. 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.
32. The NSO understands that there may be delays in receiving the results of an E-PIC or a VSC. At the discretion of the NSO, an individual may be permitted to participate in the role during the delay. This permission may be withdrawn at any time and for any reason.
33. The NSO 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.
34. 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.
35. 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.
36. The Screening Committee may 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 of assault, physical or psychological violence
- iii. Any offense involving trafficking or possession of illegal drugs
- iv. Any offense involving conduct against public morals
- v. Any offense involving theft or fraud

b) If imposed at any time:

- i. Any offense involving a Minor or Minors
- ii. Any offense involving the possession, distribution, or sale of any child-related pornography
- iii. Any sexual offense

### **Conditions and Monitoring**

37. If the screening documentation reveals an offense that does not automatically cause the individual to not pass screening (described in the above subsection), 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 shall have the sole and unfettered discretion to apply and remove conditions, determine the length of time for the imposition of conditions, and determine the means by which adherence to conditions may be monitored.

### **Records**

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

39. The records kept 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 NSO or by another sport organization

## Definitions

40. The following defined terms have these meanings in this Policy:

- a) ***Criminal Record Check (CRC)*** – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
- b) ***Enhanced Police Information Check (E-PIC)*** – a Criminal Record Check plus a search of Local Police Information, available from Sterling Backcheck
- 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) ***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

## Appendix A – Screening Requirements Matrix

Risk Level	Roles (Note Young People Exception Below)	Training Recommended/Required	Screening
Level 1 Low Risk	a) Parents, youth or volunteers acting in non-regular or informal basis	Recommended: <ul style="list-style-type: none"> <li>• Respect in Sport for Activity Leaders</li> <li>• <a href="#">CAC Safe Sport Training</a></li> </ul>	<ul style="list-style-type: none"> <li>• Participate in training, orientation, and monitoring as determined by the organization</li> </ul>
Level 2 Medium Risk	a) Athlete support personnel b) Non-coach employees or managers c) Directors d) Coaches who are typically under supervision of another coach. e) Officials	Recommended based on role: <ul style="list-style-type: none"> <li>• Respect in Sport for Activity Leaders</li> <li>• Commit to Kids</li> </ul> Required: <ul style="list-style-type: none"> <li>• Respect in Sport Activity Leaders (National Officials)</li> <li>• MED Certified (Coaches)</li> <li>• <a href="#">CAC Safe Sport Training</a></li> </ul>	<ul style="list-style-type: none"> <li>• Complete an Application Form (<b>Appendix B</b>)</li> <li>• Complete a Screening Disclosure Form (<b>Appendix C</b>)</li> <li>• Participate in training, orientation, and monitoring as determined by the organization</li> <li>• Complete and provide an VSC</li> </ul>
Level 3 High Risk	Coaches dealing with minor athletes including: <ul style="list-style-type: none"> <li>a) Full Time Coaches</li> <li>b) Coaches who travel with Athletes</li> </ul>	Recommended based on role: <ul style="list-style-type: none"> <li>• Respect in Sport for Activity Leaders</li> <li>• Commit to Kids</li> </ul> Required:	<ul style="list-style-type: none"> <li>• Level 2 Requirements</li> <li>• Provide one letter of reference related to the position</li> <li>• Provide a driver's abstract, if requested</li> </ul>

	c) Coaches who could be alone with Athletes	<ul style="list-style-type: none"> <li>● MED Certified</li> <li>● <a href="#">CAC Safe Sport Training</a></li> </ul>	<ul style="list-style-type: none"> <li>● Provide a VSC and E-PIC</li> <li>● A letter of reference from a sport organization</li> </ul>
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## Young People

For the purposes of this Policy, the NSO defines a young person as someone who is younger than 19 years old. When screening young people, the NSO 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 up to two (2) additional letters of reference.

## **Appendix B – Application Form**

*Note: Registrants who are applying to volunteer or work within certain positions with the NSO must complete this Application Form. Registrants need to complete an Application Form once for the position sought. If the individual is applying for a new position within the NSO, 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 policies and procedures of the NSO including but not limited to the *Code of Conduct and Ethics*, *Privacy Policy*, and *Screening Policy*. Policies are located at the following link: [**link to be established with update to website**]

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 C – 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. Have you been convicted of a crime? 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 NSO 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 *Screening Policy*, administering membership services, and communicating with National Sport Organizations, Provincial/Territorial Sport Organizations, Clubs, and other organizations involved in the governance of sport. The NSO 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 NSO 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 D – Screening Renewal Form**

**NAME:** \_\_\_\_\_

First

Middle

Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street

City

Province

Postal

**DATE OF BIRTH:** \_\_\_\_\_

Month/Day/Year

**GENDER IDENTITY:** \_\_\_\_\_

**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 and/or Driver's Abstract ("Personal Document") to the NSO. 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 Personal Document that I would obtain or submit on the date indicated below would be no different than the last Personal Document that I submitted to the NSO. 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 Personal Document to the Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from any Personal Document and 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 E – Volunteer Orientation and Training Acknowledgement Form**

1. I have the following role(s) with the NSO (circle as many as apply):

Parent / Guardian

Coach

Director / Volunteer

Athlete

Official

Committee Member

2. As an individual affiliated with the NSO, I acknowledge I have received completed the following orientation and training:

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Appendix F – Request For Vulnerable Sector Check**

*Note: Skimo Canada will modify this letter to adhere to any requirements from the VSC provider*

### **INTRODUCTION**

Skimo Canada 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**

Skimo Canada is a not-for-profit federal organization for the sport of ski mountaineering racing (or 'skimo').

[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 Skimo Canada, please contact the Screening Committee Chair:

[Insert information for Screening Committee Chair]

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

## EVENT DISCIPLINE PROCEDURE

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

### **Purpose**

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

### **Scope and Application**

2. This Procedure will be applied to all Events designated by the NSO as using this Procedure.
3. If the Event is being sanctioned by an organization other than the NSO (e.g., a host society or an international federation), the procedures for event discipline of the host organization will replace this procedure.
4. Incidents involving Registrants connected with the NSO (such as Athletes, Athlete Support Personnel, and directors and officers) must still be reported by the head coach or team representative to the NSO to be addressed under the *Dispute and Discipline Policy*, if necessary.
5. This Procedure does not replace or supersede the *Dispute and Discipline Policy*. Instead, this Procedure works in concert with the *Dispute and Discipline Policy* by outlining, for a designated person with authority at an event sanctioned by the NSO, the procedure for taking immediate corrective action in the event of a possible violation of the *Code of Conduct and Ethics*.

### **Misconduct During Events**

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

- d) The Event Discipline Panel will attempt to secure a statement from the person(s) accused of the violation;
  - e) The Event Discipline Panel will render a decision and determine a possible penalty; and
  - f) The Chairperson of the Event Discipline Panel will inform all parties of the Event Discipline Panel's decision.
8. The penalty determined by the Event Discipline Panel 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; or
  - e) other appropriate penalty as determined by the Event Discipline Panel.
9. The Event Discipline Panel does not have the authority to determine a penalty that exceeds the duration of the Event.
10. A full written report of the incident and the Event Discipline Panel's decision shall be submitted to the NSO by the Chairperson of the Event Discipline Panel following the conclusion of the Event.
11. A complaint and further discipline may then be applied in accordance with the *Dispute and Discipline Policy*, if necessary.
12. Decisions made pursuant to this Procedure may not be appealed.
13. This Procedure does not prohibit other Registrants from reporting the same incident to the NSO be addressed as a formal complaint under the *Dispute and Discipline Policy*.
14. The NSO shall record and maintain records of all reported incidents. Decisions by the Event Discipline Panel may be published according to the NSO's policies and procedures related to the protection of confidential information (as applicable).

## **Timelines**

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

## **Definitions**

17. Terms have the following meanings in this Procedure:

- a) **Event** – An event, which may include a social event, sanctioned by the NSO.
- b) **Registrant** – Refers to all categories of individual members and/or registrants defined in the By-laws of the NSO who are subject to the policies of the NSO, as well as all people employed by, contracted by, or engaged in activities with, the NSO including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, and Directors and Officers.