Code of Conduct Policy

UCCMS Compliant

NB ALPINE INC. (Ski NB)
DECEMBER 2025

Table of Contents

Section 1.0 – Preamble 2

Section 2.0 – Code of Conduct Policy 5

A – Purpose 5

B – Application - General 5

C – Definitions 6

D – Standards of Conduct 7

E – Athletes 9

F – Parents/Guardians and Spectators 9

G – Athlete Support Personnel 10

H – Officials 12

I – Directors, Committee Members, and Employees 13

J – Members, Clubs and Affiliated Organizations 14

K – Anti-Doping 15

L – Retaliation, Retribution or Reprisal 15

M – Privacy 16

Appendices 17

Section 1.0 – Preamble

NB Alpine Inc. (Ski NB) commits to being a provincial and national leader in advancing inclusive, healthy, rights-based, safe sport for all individuals. It is paramount for Ski NB to foster a safe sport environment that protects everyone from harm and promotes individual welfare in the administration and delivery of all Ski NB programs and events within and outside of Canada.

Creating a Safe Sport is the collective responsibility of all Participants affiliated with Ski NB, including those at the Provincial and Club level of sport, to create, foster, and preserve a sport environment that ensure positive, healthy, and fulfilling experiences for all involved. A safe sport environment is one in which all sport Participants recognize, and report acts of Maltreatment (as defined in UCCMS) and prioritize the welfare, safety, and rights of every person at all times.

Ski NB is committed to the goal of Safe Sport and have agreed that Maltreatment has no place in Canadian sport and, when present, must be sanctioned appropriately. The commitments expressed below reflect this common understanding amongst all Participants:

a) All Participants in sport can expect to play, practice, and 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 Registered Participants, sport community, sport club administrators and organization leaders;
c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other Registered Participants;
d) All Registered 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;
e) All Registered 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;
f) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct; and
g) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist 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.

Affiliation with Ski NB brings many privileges and benefits. Registered Participants are expected to conduct themselves in all situations involving or potentially impacting the Ski NB in a manner fully consistent with the highest standards of behaviour upon which Ski NB's reputation rests.

This Safe Sport Policy suite includes a series of policies affiliated with Ski NB conduct and procedures, including:

a. Discipline and Complaints Policy
b. Alternative Dispute Resolution Policy
c. Appeal Policy
d. Whistleblower Policy
e. Athlete Protection Policy
f. Screening Policy

Section 2.0 Code of Conduct

(the "Code")

As part of Ski NB's commitment to creating a healthy, safe, and inclusive environment, NB Alpine Inc. ("Ski NB") has implemented a suite of policies which set out the standards and expectations for anyone involved with SKI NB and the procedures for addressing allegations of breaches of these standards, including this Code.

Further, Ski NB has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS"), as amended from time to time. The UCCMS is provided as Appendix A to this Code of Conduct and shall be incorporated into this Code of Conduct by reference as if set out in full below. Any modifications or amendments made to the UCCMS by the Canadian Centre for Ethics in Sport (CCES) shall come into effect immediately upon their adoption by the CCES and automatically without the need for any further action by Ski NB.

Member Clubs of Ski NB may have their own code of conduct applicable to their registrants participating in the Member Club's activities and events. A Member Club's registrant may also be subject to this Code if they are involved in Ski NB activities, events, programs.

A. Purpose

1. The purpose of the Code is to ensure a safe, and positive environment (within Ski NB's programs, activities, and events) by making individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with Ski NB's core values. Ski NB supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with mutual respect. All members of Ski NB are mutually responsible to each other to uphold these principles. This Code prescribes what is expected of all individuals who take part in Ski NB's programs, activities and events.

2. This Code provides transparency and accountability to all individuals but is not intended to outline every instance of misconduct. Misconduct that is not in line with the values of Ski NB or with the purpose of this Code may still constitute a breach of the Code and be subject to sanctions even though not specifically included in this Code.

B. Application – General

3. This Code applies to the conduct of all Registered Participants, during the business, activities, and Events of Ski NB, its Member Clubs, and affiliated organizations, including but not limited to competitions, practices, on-snow or off-snow training, dryland training, evaluations, treatment, or consultations (e.g., massage therapy), training camps, travel associated with organizational activities and Ski NB events, the office environment and any meetings.

4. This Code also applies to the conduct of all Registered Participants outside of the business, activities, and Events of Ski NB and its Members when such conduct adversely affects Ski NB's relationships (and the work and sport environment) or is detrimental to the image and reputation of Ski NB or a

Member. Such applicability will be determined by Ski NB or the relevant Member, as applicable, at its sole discretion.

5. In addition, this Policy will apply to breaches of the Code that occurred when the Registered Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

6. This Code applies to Registered Participants active in the sport or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Registered Participants was active in the sport.

C. Definitions

7. **Terms in this Code are defined as follows:**

   a) ***Ski NB*** – NB Alpine Inc.

   b) ***Athlete*** – An individual who is a participant skier of any age and is enrolled in a Ski NB sanctioned program at a Member Club .

   c) ***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.

   d) ***Code*** – This Code of Conduct

   e) ***Event*** – An event sanctioned by Ski NB or a Member Club, and which may include a social Event.

   f) ***Member Club*** – a duly constituted and organized club as defined in the By-laws of Ski NB

   g) ***Minor*** – An individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment occurred. It is the responsibility of an individual over the age of majority to know the age of a Minor

   h) ***Person in Authority*** - Any Registered Participants who holds a position of authority within Ski NB including, but not limited to, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, or Directors and Officers.

   i) ***Power Imbalance*** – As defined in the UCCMS

   j) ***Registered Participant/Participant*** – Refers to all categories of membership as defined in the Bylaws of Ski NB and/or registrants of Ski NB and it's member clubs who are subject to the policies of Ski NB, as well as all people employed by, contracted by, or engaged in activities with, Ski NB including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, or directors and officers.

k) ***UCCMS*** – *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the relevant functions of the CCES.

l) ***Vulnerable Participant*** – as defined in the UCCMS.

D. Standards of Conduct

General

8. All Registered Participants must refrain from any behaviour that constitutes a Prohibited Behaviour as defined by the UCCMS and the Code.

9. Registered Participants are responsible for knowing what actions or behaviours constitute Prohibited Behaviours and Maltreatment.

10. Prohibited Behaviours under the UCCMS include, but are not limited to:

a) Physical Maltreatment
b) Psychological Maltreatment
c) Neglect
d) Sexual Maltreatment
e) Grooming
f) Boundary Transgressions
g) Discrimination
h) Failing to Report
i) Aiding and Abetting
j) Retaliation
k) Interference with or Manipulation of Process
l) False Reports

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

11. **All Registered Participants have a responsibility to:**

a) Demonstrate good sportsmanship at all times and act in a manner that is consistent with the core principles and values of Ski NB and the sport of ski racing;

b) Treat all Registered Participants and others with respect and dignity, demonstrating courtesy and compassion, and refraining from using foul, disparaging, negative, abusive or threatening language or behaviour;

c) Respect the integrity and judgment of race officials;

d) Respect and make proper use of the equipment and property of Member Clubs or the ski hill or that of any other individual or entity, wherever Ski NB Events take place;

e) Refrain from any behavior that discriminates on the basis of race, ethnic origin, gender, sexual orientation, gender identity, age, language, marital or family status, disability or any other ground of discrimination prohibited by applicable human rights legislation;

f) Not possess, use, or promote the use of illegal substances or performance enhancing drugs;

g) Comply with all policies, rules or regulations prescribed by their Member Club, the applicable sport governing bodies or the ski hills where Ski NB Events are carried out. These include but are not limited to the International Competition Rules (ICR), National Competition Rules (NCR), Provincial Competition Rules (PCR), and all Ski NB and ACA policies.

h) Adhere to all applicable federal, provincial/territorial, municipal and host country laws.

i) Abide by all skiers' codes of conduct or other applicable safety protocols whenever and wherever they participate in Ski NB Events;

j) In the case of Minors, not consume alcohol, tobacco, or cannabis at any Member Club activities, competitions, or Ski NB Events Member Club events, or an affiliated organization at any time

k) In the case of individuals who are not Minors, not consume cannabis in the Workplace or in any situation associated with the Events of Ski NB, a Member Club, or an affiliated organization (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.

l) Refrain from the use of power or authority to coerce another person to engage in inappropriate activities.

m) 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.

n) Refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of a competition, para-classification, and/or not offer, receive, or refrain from offering or receiving any benefit which is intended to manipulate the outcome of a competition or para

classification. A benefit includes the direct or indirect receipt of money or other anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages.

o) Comply with the bylaws, policies, procedures, rules, and regulations of Ski NB, its Members and those of any other sport organization with authority over the Registered Participants, as applicable, and as adopted and amended from time to time; and

p) Call out serious violations of the Code by other members of the Ski NB Community.

E. Athletes

12. In addition to and without limiting the behaviours set out in section D, Athletes are expected to conduct themselves in the following ways. They will:

a) Participate in Ski NB Events, including training and racing events to the best of their ability, exercising self-control and accepting responsibility for their actions.

b) Represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason.

c) Behave in ways that make them role models for all athletes, whether teammates or competitors, by dealing appropriately with success and disappointment.

d) Listen to and respect the instructions of their coaches and Athlete Support Personnel at all times;

e) Be on time for all training and race events and inform the appropriate authority in advance of any delays or absences.

f) Adhere to any rules and requirements regarding clothing, professionalism, and equipment.

g) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete.

h) Assist with race tear-down whenever requested to do so at home or away races.

F. Parents/Guardians and Spectators

13. In addition to and without limiting the behaviours set out in section D, parents and guardians of athletes are expected to conduct themselves in the following ways. They will:

a. Behave in ways that make them role models for all Athletes.

b. Provide guidance and leadership to their Athletes to ensure their Athletes' compliance with this Code.

c. Place their Athlete's physical and emotional well-being ahead of the parent or guardian's personal desire for their athlete to win or advance in their racing career.

d. Provide positive support, care and encouragement for all athletes during all Ski NB Events including training and racing events.

e. Respect and support the pedagogical decisions of coaches regarding the training and racing strategies employed to develop athlete skills.

f. Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence.

g. Condemn the use of violence in any form.

h. Never ridicule a Registered Participants for making a mistake during a competition or practice.

i. Respect the decisions and judgments of officials and encourage Athletes to do the same.

j. Support all efforts to stop and prevent verbal and physical abuse, coercion, intimidation, and excessive sarcasm.

k. Respect and show appreciation to all competitors, and to coaches, officials, and other volunteers.

l. Never harass Registered Participants, competitors, Athlete Support Personnel, officials, parents/guardians, or other spectators.

m. Never encourage, aid, cover up or assist an Athlete in cheating through doping, competition manipulation or other cheating behaviors.

G. <u>Athlete Support Personnel</u>

14. In addition to and without limiting the behaviours set out in section D, coaches and Athlete Support Personnel are expected to conduct themselves in the following ways. They will:

a) Understand and respect the inherent Power Imbalance that exists in this relationship and must not abuse it, either consciously or unconsciously, and avoid any behaviour that abuses the Power Imbalance inherent in the position of the coach or Athlete Support Personnel.

b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes.

c) Prepare Athletes systematically and progressively, using appropriate timeframes and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes.

d) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments.

e) Support the Coaches and/or Athlete Support Personnel of a training camp, provincial/territorial team, or national team should an Athlete qualify for participation with one of these programs

f) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate.

g) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.

h) Act in the best interest of the Athlete's development as a whole person.

i) 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.

j) Respect 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.

k) When a Power Imbalance exists, never engage in a sexual or intimate relationship with an Athlete of any age.

l) Disclose to Ski NB any sexual or intimate relationship with an Athlete over the age of majority and immediately discontinue any professional involvement with that Athlete because of the inherent Power Imbalance in the Athlete/Athlete Support Personnel relationship.

m) Recognize the power inherent in the position of Coach or Athlete Support Personnel and respect and promote the rights of all Registered Participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of Registered Participants who are in a vulnerable or dependent position and less able to protect their own rights.

n) Behave in ways that make them role models for all athletes. This includes, but is not limited to dressing professionally and using appropriate language;

o) Treat all Athletes fairly and refrain from demonstrating favouritism among athletes;

p) Comply with all provisions of their contracts for services or employment agreements with Ski NB and/or the Member Club, as the case may be.

H. <u>Officials and Volunteers</u>

15. In addition to and without limiting the behaviours set out in section D, Officials are expected to conduct themselves in the following ways. They will:

a) Maintain and update their knowledge of the rules and rules changes.

b) Not publicly criticize other Registered Participants.

c) Adhere at all times to the rules of their international federation 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 with Ski NB or a Member.

g) Work within the boundaries of their position's description while supporting the work of other officials.

h) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations.

i) Take ownership of actions and decisions made while officiating.

j) Respect the rights, dignity, and worth of all 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 Registered Participants.

n) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under this Policy and fully cooperating in the screening process.

o) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform Ski NB at the earliest possible time.

p) When writing reports, set out the facts to the best of their knowledge and recollection.

q) Dress in proper attire for officiating.

I. <u>Directors, Committee Members, and Employees</u>

16. In In addition to the behaviours set out in section D, Officers, Directors, committee members and employees of Ski NB are expected to conduct themselves in the following ways. They will:

a) Function primarily as a Director, committee member or employee of Ski NB (as applicable) and ensure to prioritize their duty of loyalty to Ski NB (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 Participants' confidence.

c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.

d) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process.

e) Conduct themselves openly, professionally, lawfully and in good faith.

f) Be independent and impartial in their decision-making on behalf of Ski NB and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.

g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.

h) Maintain required confidentiality of organizational information.

i) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.

j) Have a thorough knowledge and understanding of all governance documents.

17. In addition to the above, the Executive Director and Chair of the Board Ski NB are responsible for ensuring that Safe Sport policy suite and related measures to mitigate risk are in place. Specifically, those responsibilities include:

a) Ensure appropriate oversight of all defined responsibilities outlined in the Safe Sport policy suite including enforcement of discipline as prescribed for those who are found not to be in compliance with the Ski NB or club policies; and

b) Conduct bi-annual policy reviews and revise policies accordingly to better align with developments in New Brunswick's safe sport system.

Commented [CM1]: Taken from AOA policy

J. Members, Clubs and Affiliated Organizations

18. Members, Clubs and Affiliated Organizations must:

a) Adhere to all Ski NB's governing documents and policies, and, when required, amend their own rules to comply or align with those of Ski NB.

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 Ski NB 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 Ski NB immediately of any situation where a complainant has publicized a complaint in the media (including social media).

h) Provide Ski NB with a copy of all decisions rendered pursuant to Ski NB's policies for complaints and appeals.

i) Implement any decisions and disciplinary sanctions imposed pursuant to Ski NB, or any Member or Club's discipline process.

j) Recognize that their websites, blogs and Social Media accounts may be seen as extensions of Ski NB and must reflect Ski NB's mission, vision and values

K. Anti-Doping[1]

19. Ski NB and its Members adopt and adhere to the Canadian Anti-Doping Program. Ski NB and its Members will respect any sanction imposed on an Individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.

20. All 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 Organization that is investigating any anti-doping rule violation(s).

d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program.

e) All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under Ski NB or a Member's jurisdiction.

L. Retaliation, Retribution or Reprisal

21. It is a breach of this *Code of Conduct* for any Registered Participants to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Registered Participants from filing, in good faith, a complaint pursuant to any Ski NB policy. It is also a breach of this Code of Conduct for a Registered Participants to file a complaint for the purpose of retaliation, retribution or reprisal against any other Registered Participants. Any Registered Participants 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.

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

M. Privacy

22. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Ski NB's *Privacy Policy*.

Note: This policy is available in English and French. Should a dispute arise with the interpretation of the translated policy, the English version of the policy shall prevail

Appendix 'A'

UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT

VERSION 2022 (6.0)

The Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) is the core document that sets harmonized rules to be adopted by sport organizations that receive funding from the Government of Canada to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming and safe sport experiences.

The UCCMS was first published in 2019 (version 5.1) by the Canadian Centre for Ethics in Sport. Version 2022 (6.0) was published on May 31, 2022 by the Sport Dispute Resolution Centre of Canada (SDRCC) and is effective no later than November 30, 2022.

Published on May 31, 2022
Published by Sport Dispute Resolution Centre of Canada 1080
Beaver Hall, Suite 950
Montréal, QC, H2Z 1S8
Tél: 514-866-1245 / 1-866-733-7767
Fax: 514-866-1246 / 1-877-733-1246
www.crdsc-sdrcc.ca

TABLE OF CONTENTS

1 PURPOSE 1

2 GENERAL PRINCIPLES AND COMMITMENT 1

3 OBJECTIVES 2

4 SCOPE OF APPLICATION 3

4.1 Individual Subject to and Protected by the UCCMS 3

4.2 Investigations and Disciplinary Review 3

4.3 Context in which the UCCMS is in Effect 3

4.4 Sport-Specific Considerations 3

4.5 Amendments 3

5 PROHIBITED BEHAVIOURS 4

5.1 Violations of the UCCMS 4

5.2 Psychological Maltreatment 4

5.3 Physical Maltreatment 5

5.4 Neglect 5

5.5 Sexual Maltreatment 5

5.6 Grooming 7

5.7 Boundary Transgressions 7

5.8 Discrimination 8

5.9 Subjecting a Participant to the Risk of Maltreatment 8

5.10 Aiding and Abetting 8

5.11 Failure to Report 9

5.12 Intentionally Reporting a False Allegation 9

5.13 Interference with or Manipulation of Process 9

5.14 Retaliation 10

6 OTHER PROCEEDINGS AND RECOGNITION OF SANCTIONS 10

6.1 Facts Accepted by Courts or Professional Disciplinary Tribunals 10

6.2 Criminal Code Convictions 10

6.3 Findings from Other Proceedings 11

7 RANGE OF POSSIBLE SANCTIONS 11

7.1 Temporary or Provisional Measures 11

7.2 Types of Sanctions 12

7.3 Presumptive Sanctions 13

7.4 Sanctioning Considerations 13

8 PUBLIC DISCLOSURE 14

APPENDIX I: DEFINITIONS 15

UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT

1 PURPOSE

1.1 The Canadian sport sector is committed to advancing a respectful sport culture that delivers quality, inclusive, accessible, welcoming and safe sport experiences.

1.2 Individuals should have the reasonable expectation when they participate in sport in Canada that it will be in an environment that is free from all forms of *Maltreatment* and that treats every individual with dignity and respect. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.

2 GENERAL PRINCIPLES AND COMMITMENT

2.1 *Maltreatment* violates the integrity of individual(s) and undermines the principles endorsed by the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation through the Red Deer Declaration for the Prevention of Harassment, Abuse and Discrimination in Sport.

2.2 Sport organizations that have adopted the present Universal Code to Prevent and Address Maltreatment in Sport (the "**UCCMS**") are committed to creating a sport environment that is free from all forms of *Maltreatment* and that treats all *Participant*s with dignity and respect.

2.3 *Maltreatment* is unacceptable and fundamentally incompatible with the core values that lie at the heart of Canadian sport. The commitments expressed below reflect this common understanding amongst *Adopting Organization*s and shall guide the interpretation and application of the UCCMS:

- 2.3.1 All *Participant*s in sport can expect to play, practice, compete, work, volunteer, and interact in an environment free from *Maltreatment*.
- 2.3.2 All *Participant*s recognize that *Maltreatment* can occur regardless of race, sex, gender identity, gender expression, sexual orientation, age, disability, religion, and other characteristics. Moreover, it is recognized that those from marginalized groups have increased vulnerability to experiences of *Maltreatment*.
- 2.3.3 All *Participant*s recognize that persons who have experienced *Maltreatment* may experience a range of effects that may emerge at different times and that can profoundly affect their lives.
- 2.3.4 Persons who have experienced *Maltreatment* may suffer from the impact of trauma, and efforts must be made to understand that impact and to avoid re-traumatization.
- 2.3.5 Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participant*s and other sport stakeholders.

2.4 The following principles will guide the determination of *Prohibited Behaviour* and imposition of sanctions:

- Harmonized;
- Comprehensive;
- Fair;
- Trauma-informed;
- Evidence-driven;
- Independent administration;
- Proportionate;
- Expert-informed.

3 OBJECTIVES

3.1 Every *Participant* in sport should strive to:

3.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all *Participant*s.

3.1.2 Treat others with respect and dignity.

3.1.3 Demonstrate the spirit of sportsmanship, leadership, and ethical conduct.

3.1.4 Demonstrate respect for the diversity of *Participant*s.

3.1.5 Act to correct or prevent practices that are unjustly *Discriminat*ory.

3.1.6 Treat individuals fairly and reasonably.

3.1.7 Ensure adherence to the rules of the sport and the spirit of the rules.

3.1.8 Immediately *Report* any acts or suspicions of *Maltreatment* or other *Prohibited Behaviour*s.

3.1.9 Foster meaningful inclusion of all individuals.

3.1.10 Identify and engage in conversations that lead to positive behaviour change.

3.1.11 Accept and consider feedback with respect to their own actions and take positive steps to resolve the concerns raised.

3.1.12 Establish, respect, and maintain appropriate boundaries with *Participant*s.

3.1.13 Ensure all interactions and communications are consistent with the role of the *Participant* in relation to the sport, and carried out in a way that is transparent to other *Participant*s and promotes the concept of individual accountability.

3.1.14 Monitor their own behaviours and the behaviours of others.

3.1.15 Treat all *Disclosures*, allegations or suspicions of *Maltreatment* seriously.

3.1.16 Abstain from all forms of *Prohibited Behaviour*s.

3.2 All *Participant*s in a position of trust or authority have a responsibility to:

3.2.1 Protect the health and well-being of other *Participant*s.

3.2.2 Prevent or mitigate opportunities for *Maltreatment* and other *Prohibited Behaviour*s.

3.2.3 Respond appropriately to incidents of *Maltreatment*.

3.2.4 Incorporate best practices to recognize systemic bias, unconscious bias, and other *Discriminat*ory practices.

3.2.5 Respond quickly and effectively to eliminate *Discriminat*ory practices.

3.2.6 Recognize when they are in a position of *Power Imbalance*.

4 SCOPE OF APPLICATION

4.1 Individual Subject to and Protected by the UCCMS

The UCCMS applies to all *Participant*s as determined by the *Adopting Organization*. *Participant*s, especially those in positions of trust or authority, are responsible for knowing what constitutes a *Prohibited Behaviour*. They shall also recognize that the categories of *Maltreatment* are not mutually exclusive, nor are the examples provided in each category an exhaustive list.

4.2 Investigations and Disciplinary Review

*Participant*s alleged to be in violation of the UCCMS are subject to applicable investigation and disciplinary review processes as outlined in the *Adopting Organization*'s policies.

4.3 Context in which the UCCMS is in Effect

The UCCMS applies to any of the *Prohibited Behaviour*s described herein, provided the *Prohibited Behaviour* occurs in any one or a combination of the following situations:

4.3.1 Within an *Adopting Organization*'s environment; or

4.3.2 When the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in an *Adopting Organization*'s activities.

The UCCMS may also apply when the *Prohibited Behaviour* occurs in any one or a combination of the following situations:

4.3.3 When the *Participant*s involved interacted or were known to each other due to their mutual involvement in an *Adopting Organization*'s activities; or

4.3.4 Outside of an *Adopting Organization*'s environment where the *Prohibited Behaviour* has a serious and detrimental impact on another person or could undermine the integrity of sport or bring the Canadian sport system into disrepute.

The physical location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.

4.4 Sport-Specific Considerations

The UCCMS acknowledges that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition.
However, as the UCCMS does not address rules of the game, any relevant sport-specific differences will be considered during an investigative or disciplinary review process.

4.5 Amendments

The UCCMS may be amended from time to time by the Office of the Sport Integrity Commissioner and amendments shall be published on its website 6 months before such amendments must come into effect.

5 PROHIBITED BEHAVIOURS

5.1 Violations of the UCCMS

It is a violation of the UCCMS for a *Participant* to engage in the behaviours described in this Section. It may be that conduct constituting *Prohibited Behaviour* falls into more than one of the categories of this Section. It is the assessment of the conduct itself that is important, not into which category or categories it falls.

5.2 Psychological Maltreatment

5.2.1 *Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.

a) Verbal Conduct: without limitation, verbally assaulting or attacking someone, including in online forms; unwarranted personal criticisms; implied or expressed body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigeneity, disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately.

b) Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that has the potential to be harmful or instil fear, including, without limitation:

i) body-shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and

ii) forms of physically aggressive behaviours such as, without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; hitting, striking or punching objects in the presence of others.

c) Conduct that causes denial of attention or support: without limitation, forms of lack of support or isolation such as ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

d) A person in authority's pattern of deliberate non-contact behaviours that has the objective potential to be harmful.

5.2.2 *Psychological Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.3 Physical Maltreatment

5.3.1 *Physical Maltreatment* includes contact or non-contact infliction of physical harm.

a) Contact behaviours: without limitation, deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic or medical interventions with no specific training or expertise.

b) Non-contact behaviours: without limitation, isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a *Participant* who is under the legal drinking age; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or permitting an athlete under their authority to return to play following any injury, including after a concussion, when they knew or ought to have known that the return is premature, or without the clearance of a medical professional where reasonably required; encouraging an athlete to perform a potentially dangerous skill for which the *Participant* knows or ought to know that the athlete is not developmentally ready.

5.3.2 *Physical Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.4 Neglect

5.4.1 *Neglect* refers to the omission of adequate care and attention and is evaluated with consideration given to the *Participant*'s needs and requirements. Examples of *Neglect* include without limitation: not allowing an athlete adequate recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring appropriate supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing an athlete to disregard sport's rules, regulations, and standards.

5.4.2 Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.5 Sexual Maltreatment

5.5.1 *Sexual Maltreatment* includes, but is not limited to,

a) any non-*Consen*sual touching of a sexual nature and/or the *Criminal Code* offence of sexual assault;

b) forcing or coercing a person into sexual acts;

c) participating in or performing acts on a person that violate their sexual integrity;

d) *Criminal Code* offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-

*Consen*sual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence;

e) Sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.

5.5.2 *Sexual Maltreatment* can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

5.5.3 *Sexual Maltreatment* of a *Minor* is any *Sexual Maltreatment* against a *Minor*. It includes the items described in 5.5.1 above and also includes, but is not limited to, the *Criminal Code* offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a *Minor* through prostitution. *Sexual Maltreatment* of a *Minor* is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a *Minor*, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a *Minor*. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a *Minor Participant* to create, possess, make available or distribute images of themselves.

5.5.4 A *Participant* is presumed to know that a person is a *Minor*.

5.5.5 It is prohibited for a *Participant* to create, possess, make available or distribute images that sexualize or contain nudity of another person in the absence of *Consent*.

5.5.6 Where there is a *Power Imbalance*, sexual acts or communications (electronic or otherwise) between any *Participant* and another *Participant* are prohibited.

5.5.7 Examples of *Sexual Maltreatment* include, without limitation:

a) Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a *Participant* who has more power in the context of a relationship that involves a *Power Imbalance*, or if the person to whom the solicitation or advance is made is a *Minor*;

b) Pressuring a person to engage in sexual activity, including by making repeated advances that are known or ought to be known to be unwelcome;

c) Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked by a *Participant* who has more power in the context of a relationship that involves a Power Imbalance, or asked of a *Minor* or *Vulnerable Participant*;

d) Sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or where the object of the attention is a *Minor*. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be

objectively perceived by another person as being sexual in nature, practical jokes based on sex, intimidating sexual remarks, propositions, invitations or familiarity.

e) Unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.

5.6 Grooming

5.6.1 *Grooming* is conduct that may precede other behaviours defined as *Sexual Maltreatment*, or is carried out in conjunction with other forms of *Sexual Maltreatment*. Repeated *Boundary Transgressions* by a *Participant* toward a *Minor* or *Vulnerable Participant* may also be deemed to be *Grooming*, even in the absence of deliberate intention to facilitate a sexual relationship.

5.6.2 In assessing whether *Grooming* has occurred, the existence of a *Power Imbalance* should be taken into account.

5.6.3 The *Grooming* process is often gradual and involves building trust and comfort with a person, and sometimes also with the protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (e.g., seemingly accidental touching) that gradually escalates to *Sexual Maltreatment* (e.g. sexualized touching). It is acknowledged that many victims/survivors of sexual abuse do not recognize the *Grooming* process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

5.7 Boundary Transgressions

5.7.1 Identifying a *Boundary Transgression* is dependent on context, including the age of the persons involved and the existence of a *Power Imbalance*. It may be the case that a particular act or communication does not meet the threshold of any of the types of *Maltreatment*, but is an act or communication that is nonetheless viewed as inappropriate in the circumstances. The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a *Boundary Transgression* is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport, recognizing that *Boundary Transgressions* are often part of the *Grooming* process.

5.7.2 Recognizing that there may be a need to be flexible in the way in which such *Boundary Transgressions* are addressed, a *Boundary Transgression* may trigger review of the circumstances and potentially be resolved informally, or a formal conduct review may be initiated.

5.7.3 Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the *Participant* in the event future *Boundary Transgressions* occur. A repeated *Boundary Transgression* after a consequence should be treated seriously.

5.7.4 The concept of *Boundary Transgressions* is intended to be broad in scope. By way of example and not limitation, a *Boundary Transgression* may be a circumstance where:

a) one person uses contact information available to the person for the purpose of sport, to make contact with a person for a purpose that is not related to sport;
b) a *Participant* uses or attempts to use a line of communication with another person that is not within the typical communication channels;
c) communicating privately with a *Minor* through social media or text;
d) a *Participant* inappropriately shares personal photographs;
e) a *Participant* arranges for or engages in inappropriate sharing of locker rooms;
f) one-on-one meetings that are not held in an open and observable environment;
g) there is inappropriate private travel or transportation; and
h) providing personal gifts.

5.8 Discrimination

5.8.1 *Discrimination* can include overt or subtle forms of harm that uniquely define the adverse or inequitable experiences of marginalized persons.

5.8.2 The following are examples of *Discrimination* if they are based on one or more of the grounds of *Discrimination* within the definition:

a) Denying someone access to services, benefits, or opportunities;
b) Treating a person unfairly;
c) Communicating hate messages or unwelcome remarks or jokes;
d) The perpetuation of misogynistic, racist, ableist, homophobic, or transphobic attitudes and stereotypes.

5.8.3 *Discrimination* does not require an intention to cause harm.

5.9 Subjecting a *Participant* to the Risk of *Maltreatment*

5.9.1 Sport administrators or other sport decision-makers in positions of authority who place *Participant*s in situations that they know or ought to have known make the *Participant* vulnerable to *Maltreatment* are subjecting a *Participant* to the risk of *Maltreatment*.

5.9.2 Subjecting a *Participant* to the risk of *Maltreatment* includes, without limitation: instructing an athlete and coach to share a hotel room when traveling, knowingly hiring a *Participant* who has a past history of *Prohibited Behaviour* and who is under a sanction of temporary or permanent ineligibility pursuant to a UCCMS enforcement process, assigning guides and other support staff to a para-athlete when the guide or support staff has a past history of *Prohibited Behaviour* and is under a sanction of temporary or permanent ineligibility pursuant to a UCCMS enforcement process, or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.

5.10 Aiding and Abetting

5.10.1 Aiding and Abetting is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of *Maltreatment* or other *Prohibited Behaviour* by or against a *Participant*.

5.10.2 Aiding and Abetting also includes, without limitation: knowingly allowing any person who is suspended or is otherwise ineligible to participate in an *Adopting Organization*'s

activities; providing any coaching-related advice or service to an athlete who is suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.

5.11 Failure to *Report*

5.11.1 Failure to *Report* possible *Maltreatment* or other *Prohibited Behaviour*:

a) It is a violation for any adult *Participant* who knew or ought to have known of a *Participant*'s *Prohibited Behaviour* toward another person to fail to *Report* such conduct. For clarity, a *Participant* is not obligated to *Report* an instance of *Prohibited Behaviour* to which they were personally subject.

b) Where information regarding a *Participant*'s *Prohibited Behaviour* toward another adult is made known to an adult *Participant* through an explicitly confidential *Disclosure*, the adult *Participant* shall not be required to *Report* the information obtained through that *Disclosure*. Nevertheless, if an adult *Participant* knew or ought to have known of the *Participant*'s *Prohibited Behaviour* for reasons other than the explicitly confidential *Disclosure*, it remains a violation for them to fail to *Report* such conduct.

c) The person making the *Report* does not need to determine whether a violation took place: instead, the responsibility lies in *Reporting* the objective behaviour. Early intervention is required to prevent escalation, hence the obligation on all adult *Participant*s to *Report*.

d) The *Reporting Obligation* is ongoing and is not satisfied simply by making an initial *Report*. The *Reporting Obligation* includes *Reporting*, on a timely basis, any and all relevant information of which an adult *Participant* becomes aware.

e) It is a violation for any adult *Participant* to fail to fulfill any applicable legal *Duty to Report*.

5.12 Intentionally *Reporting* a False Allegation

5.12.1 It is a violation to *Report* a knowingly false allegation, or influence another to *Report* a knowingly false allegation, that a *Participant* engaged in *Prohibited Behaviour*. An allegation is false if the events *Report*ed did not occur, and the person making the *Report* knows at the time of *Reporting* that the events did not occur.

5.12.2 A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not a violation of the UCCMS.

5.13 Interference with or Manipulation of Process

5.13.1 It is a violation of the UCCMS for a *Participant* to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:

a) knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome;

b) attempting to discourage or prevent a person's proper participation in or use of the processes;
c) harassing or intimidating any person involved in the processes before, during, and/or following any proceedings;
d) failing to comply with any temporary or provisional measure or final sanction;
e) influencing or attempting to influence another person to interfere with or manipulate the process; or
f) distributing or otherwise publicizing materials a *Participant* gains access to during a UCCMS investigation or hearing, except as required by law or as expressly permitted.

5.13.2 All *Participant*s are expected to act in good faith throughout any investigation or disciplinary review process, and the sole purpose of Section 5.13 is to provide a means to discipline those who do not. In recognition that a victim/survivor, of sexual abuse in particular, may conceal information out of embarrassment, shame or to protect the perpetrator, absent demonstrable bad faith, minimizing or concealing in such circumstances is not a UCCMS violation.

5.14 Retaliation

5.14.1 It is considered retaliation for a *Participant* to take an adverse action against any person for making a good faith *Report* of possible *Prohibited Behaviour* or for participating in any UCCMS enforcement process.

5.14.2 Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process related to behaviour prohibited by the UCCMS. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no *Prohibited Behaviour* occurred. Retaliation does not include good-faith actions lawfully pursued in response to a *Report* of possible *Prohibited Behaviour*.

6 OTHER PROCEEDINGS AND RECOGNITION OF SANCTIONS

6.1 Facts Accepted by Courts or Professional Disciplinary Tribunals

6.1.1 Facts accepted by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the applicable UCCMS enforcement process, as allowable by applicable law.

6.2 Criminal Code Convictions

6.2.1 Automatic Sanctions

A *Participant* convicted of a *Criminal Code* offence for conduct considered to be *Prohibited Behaviour* shall be automatically sanctioned, subject to a right to challenge only the sanction.

6.2.2 Convictions Under Appeal

If the criminal conviction is under appeal, the *Participant* shall continue to serve the UCCMS sanction until such time as the conviction is overturned and is not subject to a further appeal, or the sanction is completed, whichever is earlier.

6.2.3 Convictions Successfully Overturned

If the criminal conviction is successfully overturned, UCCMS violations arising from the same situation may still be asserted and sanctions imposed against the *Participant*. In such cases, evidence of facts accepted by the criminal court shall be admissible within the applicable UCCMS enforcement process, as allowable by applicable law.

6.3 Findings from Other Proceedings

A *Participant* shall be deemed to have violated the UCCMS if found guilty of an offence or of misconduct considered to be *Prohibited Behaviour* by:

a) a foreign criminal court;

b) a professional disciplinary tribunal of competent jurisdiction; or

c) a sport organization's disciplinary process or a specialized sports tribunal.

The *Participant* shall be automatically sanctioned, with consideration given to any sanctions imposed in such other proceeding, subject to a right to challenge:

a) the sanction; or

b) the deemed violation, based on a violation of procedural fairness and/or natural justice in the relied-upon proceeding.

7 RANGE OF POSSIBLE SANCTIONS

7.1 Temporary or Provisional Measures

Prior to the final resolution of an alleged violation of the UCCMS, temporary or provisional measures may be imposed in accordance with the *Adopting Organization*'s policies.

Temporary or provisional measures should be evaluated with consideration to and weighing of the following factors:

(i) the seriousness of the allegations and the facts and circumstances of the case;

(ii) the safety and well-being of *Participant*s and the sport community;

(iii) potential risks and prejudice from action and inaction, with safety being paramount; and

(iv) the best interest of sport and those who participate in it, including the views of the person(s) directly impacted.

7.2 Types of Sanctions

Different incidents constituting a violation of the same part of the UCCMS may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors as described in Section 7.4. However, progressive discipline is not required as a single occurrence of *Prohibited Behaviour* can lead to a very significant sanction. Subject to Section 7.3, if *Prohibited Behaviour* is confirmed one or more of the following sanctions may be imposed:

7.2.1 Verbal or Written Apology

The requirement that a *Participant* issue a verbal, written or online apology to acknowledge the *Prohibited Behaviour* and its impact on others.

7.2.2 Verbal or Written Warning

A verbal reprimand or an official, written notice and formal admonition that a *Participant* has violated the UCCMS and that more severe sanctions will result should the *Participant* be involved in other violations.

7.2.3 Education

The requirement that a *Participant* undertake specified supplemental educational or similar remedial measures to address the *Prohibited Behaviour*.

7.2.4 Probation

A probationary period may include a loss of privileges or other conditions, restrictions, or requirements for a specified period of time. Any further violation of the UCCMS during the probationary period will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility.

7.2.5 Suspension

Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by any *Adopting Organization* and/or its members. A suspended *Participant* may be eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the *Participant* satisfying specific conditions noted at the time of suspension.

7.2.6 Eligibility Restrictions

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

7.2.7 Permanent Ineligibility

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition organized or sanctioned by any *Adopting Organization* and/or its members.

7.2.8 Other discretionary sanctions

Other sanctions for *Prohibited Behaviour* may be imposed, including, but not limited to, other loss of privileges, loss of right to attend or spectate sport events, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

7.3 Presumptive Sanctions

7.3.1 The following sanctions are presumed to be fair and appropriate for the listed *Maltreatment*, but the *Respondent* may rebut these presumptions:

a) *Sexual Maltreatment* involving a *Minor* shall carry a presumptive sanction of permanent ineligibility;
b) *Sexual Maltreatment*, *Physical Maltreatment* with contact, *Grooming*, and *Prohibited Behaviour* described in Sections 5.9 to 5.14 shall carry a presumptive sanction of either a period of suspension or eligibility restrictions;
c) While a *Respondent* has pending charges under the *Criminal Code* regarding 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 by the applicable UCCMS enforcement process.

7.3.2 Failure to comply with a previously imposed sanction will result in automatic suspension until such time as compliance occurs.

7.4 Sanctioning Considerations

Any sanction imposed against a *Participant* must be proportionate and reasonable, relative to the *Maltreatment* that has occurred. Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

a) The nature and duration of the *Respondent*'s relationship with the affected individuals, including whether there is a *Power Imbalance* or position of trust;

b) The *Respondent*'s prior history and any pattern of *Prohibited Behaviour* or other inappropriate conduct;

c) Any previous disciplinary findings regarding, or sanctions against, the *Respondent*;

d) *Maltreatment* of a *Minor* or of a *Vulnerable Participant* is to be considered an aggravating circumstance;

e) The ages of the persons involved, including when the *Respondent* is a *Minor*, whereby *Maltreatment* by a *Minor* of a child under the age of 12 or of a *Vulnerable Participant* is to be considered an aggravating circumstance;

f) Whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;

g) The *Respondent*'s voluntary admission of the violation(s), acceptance of responsibility for the *Prohibited Behaviour*, and/or cooperation in the applicable UCCMS enforcement process;

h) Real or perceived impact of the incident on the affected individuals, sport organization or the sporting community;

i) Deterrent effect on future such conduct;

j) Potential impact on the public's confidence in the integrity of the Canadian sport system;

k) Aggravating or mitigating circumstances specific to the *Respondent* being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the UCCMS; addiction; disability; illness; lack of remorse; intent to harm);

l) Whether, given the facts and circumstances that have been established, the Respondent's continued participation in the sport community is appropriate;

m) Whether the *Respondent* was found to have committed of one or more previous UCCMS violation(s);

n) The desired outcomes of the person(s) directly impacted by the *Prohibited Behaviour*; and/or

o) Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

8 PUBLIC DISCLOSURE

8.1 In order to uphold the purpose and principles of the UCCMS, a searchable database or registry of *Respondent*s whose eligibility to participate in sport has in some way been restricted shall be maintained and shall be publicly available, subject to applicable laws. The database or registry shall include sufficient information to provide context to the applicable sanction pursuant to the provisions contained in the UCCMS. *Adopting Organizations* are responsible to collaborate with one or more organizations maintaining such a registry.

8.2 Further details of the results of a UCCMS enforcement process, for example a summary or redacted decision or summary or redacted investigation report, may also be publicized in a manner consistent with the purpose and principles of the UCCMS, as well as applicable law.

c) **APPENDIX I: DEFINITIONS**

a) **Adopting Organization** « Organisme ayant adopté le CCUMS »: An organization that has adopted the current version of the UCCMS, as amended.

b) **Boundary Transgressions** « Transgressions des limites »: Interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the *Participant*. See Section 5.7.

c) **Consent** « Consentement (consentir) »: The communicated voluntary agreement to engage in the activity in question, by a person who has the legal capacity to consent. Consent regarding sexual activity is assessed in accordance with the laws of Canada, including the *Criminal Code*.

d) **Criminal Code** « Code Criminel »: The Criminal Code of Canada (Criminal Code, R.S.C. 1985, c. C-46, as amended).

e) **Disclosure** « Divulgation »: The sharing of information by a person regarding an incident or a pattern of *Maltreatment* experienced by that person, including a breach of reasonable boundaries. *Disclosure* does not constitute a formal *Report*.

f) **Discrimination** « Discrimination »: Behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual or class of individuals based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds. Behaviour, policies, and/or practices specifically benefitting members of marginalized groups shall not be considered *Discrimination*. *Discrimination* does not include behaviour, policies and/or practices rationally connected to legitimate sport objectives with the honest and good faith belief that they are reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the *Participant* and/or *Adopting Organization* that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives. See Section 5.8.

g) **Grooming** « Conditionnement »: Deliberate conduct by a *Participant* comprised of one or several acts that, viewed objectively, either make it easier to engage in *Sexual Maltreatment* or reduce the chance that *Sexual Maltreatment* will be *Report*ed. See Section 5.6.

h) **Legal Duty to Report** « Obligation légale de signaler »: The legal obligation to report potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial legislation.

i) **Maltreatment** « Maltraitance »: A volitional act and/or omission described in Sections 5.2-5.6 that results in harm or has the potential for physical or psychological harm.

j) **Minor** « Mineur »: For the purpose of the UCCMS, an individual who is under the age of 19 years old. It is at all times the responsibility of the adult *Participant* to know the age of a *Minor*.

k) **Neglect** « Négligence »: Any pattern or a single serious incident of lack of reasonable care, inattention to a *Participant*'s needs, nurturing or well-being, or omissions in care. See section 5.4.

l) **Participant** « Participant »: Any individual who is subject to the UCCMS. *Participant**s*** could include, without limitation, athletes, coaches, officials, volunteers, administrators, directors, employees, trainers, parents/guardians, etc., according to the policies of the *Adopting Organization*.

m) **Physical Maltreatment** « Maltraitance physique »: Any pattern or a single serious incident of deliberate conduct, including contact behaviours and non-contact behaviours as outlined in Section 5.3, that has the potential to be harmful to a person's physical or psychological well-being. See Section 5.3.

n) **Power Imbalance** « Déséquilibre de pouvoir »: A *Power Imbalance* is presumed to exist where a *Participant* has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual *Power Imbalance* exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate *Participant*.
   i. Once a coach-athlete relationship is established, a *Power Imbalance* is presumed to exist throughout the coach-athlete relationship, regardless of the age of the athlete.
   ii. Where the coach-athlete relationship began while the athlete was a *Minor*, the *Power Imbalance* is presumed to continue even after the coach-athlete relationship terminates, until the athlete reaches 25 years of age.
   iii. A *Power Imbalance* may exist, but is not presumed, where a sexual or romantic relationship existed between two adult *Participant*s before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between *Consent*ing adults that preceded the sport relationship).
   iv. A *Power Imbalance* is presumed to exist where the *Participant* and other person are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete.
   v. A presumption that *Power Imbalance* exists may be rebutted.
   vi. A *Power Imbalance* may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
   vii. Power may be represented by seniority, age differential, ability, physical size, public profile,

gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples.

viii. *Maltreatment* occurs when this power is misused. Moreover, it is recognized that those from marginalized groups have experienced positions of lesser power.

o) **Prohibited Behaviour** « Comportement prohibé »: Any of the conduct described in Section 5, including but not limited to *Maltreatment*.

p) **Psychological Maltreatment** « Maltraitance psychologique »: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person's psychological well- being. See Section 5.2.

q) **Reporting (or Report)** « Signalement (signaler) »: The provision of information by a *Participant* or by any person to an independent authority designated by the *Adopting Organization* to receive *Report*s regarding *Prohibited Behaviour*. *Reporting* may occur through either: (i) the person who experienced the *Prohibited Behaviour*, or (ii) someone who witnessed the *Prohibited Behaviour* or otherwise knows or reasonably believes that *Prohibited Behaviour* or a risk of *Prohibited Behaviour* exists.

r) **Reporting Obligation** « Obligation de signaler »: The obligation to *Report* possible *Prohibited Behaviour* under the UCCMS. See Section 5.11.

s) **Respondent** « Intimé »: A *Participant* who is alleged to have engaged in one or more of the *Prohibited Behaviour*s described herein.

t) **Sexual Maltreatment** « Maltraitance sexuelle »: Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person's sexual integrity. See Section 5.5.

u) **Vulnerable Participant** « Participant vulnérable »: Persons at increased risk of *Maltreatment* and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. *Vulnerable Participant*s include persons who are not able to provide informed *Consent*.