

SPECIAL OLYMPICS CANADA AND SPECIAL OLYMPICS BRITISH COLUMBIA
CODE OF CONDUCT AND ETHICS

This Policy has been prepared by Special Olympics Canada and is a Pan-Canadian Policy applicable to Special Olympics Canada and its Chapters. This document cannot be modified by a Chapter without consultation and approval from Special Olympics Canada.

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Special Olympics Canada and its Chapters recognize the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Since the UCCMS may continue to evolve in the foreseeable future, this *Code of Conduct and Ethics* incorporates the key elements of the current version of the UCCMS.

Definitions

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

- a) *“Abuse”* – see the definition of *“Maltreatment”* below.
- b) *“Chapter”* – means the Provincial or Territorial Special Olympics organization recognized by Special Olympics Canada as a provincial or territorial governing body of Special Olympics.
- c) *“Organization”* – Special Olympics Canada or the Chapter of jurisdiction
- d) *“Discrimination”* – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
- e) *“Harassment”* – A course of vexatious comments or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
 - i. Written or verbal abuse, threats, or outbursts;
 - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
 - iii. Racial harassment, which includes racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
 - iv. Leering or other suggestive or obscene gestures;
 - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - vi. Practical jokes which endanger a person’s safety, or may negatively affect performance;
 - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
 - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - ix. Deliberately excluding or socially isolating a person from a group or team;

- x. Persistent sexual flirtations, advances, requests, or invitations;
 - xi. Physical or sexual assault;
 - xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
 - xiii. Retaliation or threats of retaliation against a person who reports harassment.
- f) *“Individuals”* – means all categories of individual membership defined in the Bylaws of Special Olympics Canada or a Chapter, as well as all individuals employed by, or engaged in activities with, Special Olympics Canada or a Chapter including, but not limited to, employees, contractors, athletes, coaches, mission staff, chefs de mission, officials, volunteers, managers, administrators, committee members, parents or guardians, and directors and officers.
- g) *“Maltreatment”* – A volitional act by an Individual that results in harm or the potential for physical or psychological harm to another Individual, and includes any of the following behaviours or conduct:
- i. Psychological Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
 - a. Verbal Acts: verbally assaulting or attacking an Individual, including but not limited to unwarranted personal criticisms; body shaming; derogatory comments related to an Individual’s identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, or ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about an Individual to diminish their reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.
 - b. Non-assaultive Physical Acts (no physical contact): physically aggressive behaviours, including but not limited to throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
 - c. Acts that Deny Attention or Support: acts of commission that deny attention, lack of support or isolation including but not limited to ignoring psychological needs or socially isolating an Individual 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.
 - ii. Physical Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an Individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
 - a. Contact behaviours: including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.
 - b. Non-contact behaviours: including but not limited to isolating an Individual in a confined space; forcing an Individual 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 an Individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an Individual; encouraging or knowingly permitting an Athlete to return to play prematurely following any injury or after a concussion and without the

clearance of a medical professional; encouraging an athlete to perform a skill for which they are known to not be developmentally ready.

- iii. Sexual Maltreatment, including, but not limited to, any act targeting an Individual's sexuality, gender identity or expression, that is committed, threatened or attempted against that person, and includes but is not limited to the Criminal Code offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples of Sexual Maltreatment include, but are not limited to:
 - a. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - 1. vaginal penetration by a penis, object, tongue, or finger; and
 - 2. anal penetration by a penis, object, tongue, or finger.
 - b. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - 1. kissing;
 - 2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
 - 3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
 - 4. making a person touch themselves or someone else with or on any of the body parts listed in 2); and
 - 5. any intentional touching in a sexualized manner.
- iv. Neglect: any pattern or a single serious incident of lack of reasonable care, inattention to an Individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the Individual's needs and requirements, not whether harm is intended or results from the behaviour. Neglect, or acts of omission, include without limitation, not providing an athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an Individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods; disregarding the use of prohibited substances by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport rules, regulations, and standards, or subjecting Individuals to the risk of Maltreatment.
- v. Grooming: includes, without limitation, deliberate conduct by an Individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).
- vi. Interference with or manipulation of process:
 - a. An adult Individual violates the *Code of Conduct and Ethics* by directly or indirectly interfering with a process instituted pursuant to this Code or any other policy by:

- a. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - b. destroying or concealing information;
 - c. attempting to discourage an Individual's proper participation in or use of the Organization's or a Chapter's processes;
 - d. harassing or intimidating (verbally or physically) any person involved in the Organization's or a Chapter's processes before, during, and/or following any proceedings;
 - e. publicly disclosing an Individual's identifying information, without the Individual's agreement;
 - f. failing to comply with any temporary or provisional measure or any final sanction;
 - g. distributing or otherwise publicizing materials an Individual gains access to during any investigation or hearing, except as required by law or as expressly permitted; or
 - h. influencing or attempting to influence another Individual to interfere with or manipulate the process.
- vii. **Retaliation:** An Individual shall not take an adverse action against any other Individual for making a good faith report of possible Maltreatment or for participating in any process found in a policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in Special Olympics Canada's or a Chapter's processes. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of possible Maltreatment.
- viii. **Aiding and Abetting:**
- a. Any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by a participant. Aiding and Abetting also includes, without limitation, knowingly:
 - a. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Individuals;
 - b. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
 - c. allowing any Individual to violate the terms of their suspension or any other sanctions imposed.
- ix. **Failure by an adult Individual to report actual or suspected Maltreatment of a Minor:** This obligation is ongoing and is not satisfied by making an initial report; instead, this obligation includes reporting to Special Olympics Canada or a Chapter, on a timely basis, all relevant information that the adult participant is or becomes aware of, and requires making a direct report to Special Olympics Canada or a Chapter. Any report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date.
- x. **Failure to report inappropriate conduct:** Any Individual who suspects or becomes aware of another Individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to report such inappropriate conduct to Special Olympics Canada or a Chapter. Individuals in positions of trust and authority who become aware of another Individual's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures.

- xi. Intentionally filing a false allegation of maltreatment: An allegation is false if the events or conduct reported did not occur and the Individual making the report knows that the events or conduct did not occur. An individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.
- h) “*Minor*” – Any Individual who is under the age of majority at the time in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a minor. For the purpose of protection in each Canadian province and territory, the age of a minor is defined as follows:
 - i. 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
 - ii. 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
 - iii. 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon.
- i) “*Person in Authority*” – Any Individual who holds a position of authority within Special Olympics Canada or a Chapter including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, volunteers, parents/guardians and Directors and Officers
- j) “*Workplace*” - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, Special Olympics Canada or Chapter offices, home offices, work-related social functions, work assignments outside the offices, work-related travel, the training and competition environment, and work-related conferences or training sessions
- k) “*Workplace Harassment*” – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
 - i. Bullying;
 - ii. Workplace pranks, vandalism, bullying or hazing;
 - iii. Repeated offensive or intimidating phone calls, emails, texts or other social media;
 - iv. Inappropriate sexual touching, advances, suggestions or requests;
 - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
 - vi. Psychological abuse;
 - vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
 - viii. Deliberately withholding information that would enable a person to do his or her job, perform or train;
 - ix. Sabotaging someone else’s work or performance;
 - x. Spreading malicious rumours;
 - xi. Intimidating words or conduct (offensive jokes or innuendos); and
 - xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
- l) “*Workplace Violence*” – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
 - i. Verbal or written threats to attack;

- ii. Sending to or leaving threatening notes or emails;
- iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- iv. Wielding a weapon in a Workplace;
- v. Hitting, pinching or unwanted touching which is not accidental;
- vi. Dangerous or threatening horseplay;
- vii. Physical restraint or confinement;
- viii. Blatant or intentional disregard for the safety or wellbeing of others;
- ix. Blocking normal movement or physical interference, with or without the use of equipment;
- x. Sexual violence; and
- xi. Any attempt to engage in the type of conduct outlined above.

Purpose

2. The purpose of this Code is to ensure a safe and positive environment within Special Olympics Canada and its Chapters' workplaces, programs, activities, and events by making Individuals aware that there is an expectation, at all times, of appropriate behaviour. Special Olympics Canada and its Chapters support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals are treated with respect and fairness.

Application of this Code

3. This Code applies to Individuals' conduct during Special Olympics Canada or its Chapter's workplaces, business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with Special Olympics Canada or Chapter activities, fundraising events, all meetings of Special Olympics Canada or a Chapter, and any other Special Olympics Canada or Chapter meetings.
4. This Code also applies to Individuals' conduct outside of Special Olympics Canada or Chapter business, activities, and events when such conduct adversely affects relationships within Special Olympics Canada or its Chapter(s) (and its work and sport environment) and is detrimental to the image and reputation of Special Olympics Canada or the Chapter. Such applicability will be determined by Special Olympics Canada or the Chapter, as applicable, at its sole discretion.
5. This Code applies to Individuals active in sport or who have retired from sport where any claim regarding a potential breach of this Code occurred when the Individual was active in sport.
6. In addition, breaches of this Code may occur when the Individuals involved interacted due to their mutual involvement in sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

Enforcement

7. An Individual who violates this Code in any context may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, and the Individual may be subject to sanctions pursuant to that competition's policies. An employee in breach of this Code are subject to Special Olympics Canada or the Chapter of jurisdictions Human Resource Policies and Procedures.

Responsibilities

8. Individuals have a responsibility to:

- a) Maintain and enhance the dignity and self-esteem of Individuals and other persons by:
 - i. Focusing comments, criticism or disciplinary actions appropriately
 - ii. Demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
 - iii. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
 - iv. Treating individuals fairly and reasonably
 - v. Adhering to Special Olympics Canada and Chapter rules and policies and the spirit of those rules and policies.
- b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination, or any form of Maltreatment.
- c) Abstain from the non-medical use of drugs.
- d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES).
- e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate or unwanted activities.
- f) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in Special Olympics programs, activities, competitions, or events.
- g) In the case of minors, not consume alcohol, tobacco, or cannabis at while participating in Special Olympics programs, activities, competitions, or events.
- h) In the case of adults, not consume cannabis in the Workplace or in any situation associated with Special Olympics events (subject to any requirements for accommodation), not consume alcohol during competitions and in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the Special Olympics events.
- i) Respect the property of others and not wilfully cause damage.
- j) Promote the sport in the most constructive and positive manner possible.
- k) When driving a vehicle with an Individual:
 - i. Not have his or her license suspended;
 - ii. Not be under the influence of alcohol, cannabis, or illegal drugs or substances; and
 - iii. Have valid car insurance.
- l) Adhere to all applicable federal, provincial, municipal and host country laws.
- m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.
- n) Comply, at all times, with the applicable bylaws, policies, procedures, and rules and regulations of Special Olympics Canada and the applicable Chapter, as adopted and amended from time to time.
- o) Report to Special Olympics Canada or a Chapter any ongoing criminal investigation, conviction, or existing bail conditions involving yourself, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal substance.

Volunteers

9. In addition to section 8 (above) volunteers have additional responsibilities. Volunteers are a critical part of the organization and the organization's success is directly related to volunteers carrying out their assigned responsibilities. Volunteers will:
- a) Act with honesty and integrity while carrying out any assigned responsibilities;
 - b) Comply with both the letter and the spirit of any training or orientation provided by Special Olympics Canada and its Chapters;
 - c) Take responsibility for actions and decisions. Follow reporting lines to facilitate the effective resolution of problems;
 - d) Prudently manage and allocate assets and resources, both financial and material;
 - e) Abide by applicable conflict of interest and confidentiality policies;
 - f) Use inoffensive language; and
 - g) Dress professionally, neatly, and inoffensively.
10. Volunteers will **not**:
- a) Exceed the authority of assigned position;
 - b) Encourage athletes to consume illegal drugs, alcohol, cannabis, recreational drugs or performance-enhancing drugs; or
 - c) Engage in a sexual or intimate relationship with an athlete.

Coaches

11. In addition to section 8 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes;
 - b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes;
 - c) Avoid compromising the present and future health of athletes by communicating and cooperating with medical professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments;
 - d) Support the coaching staff of a training camp, provincial/territorial team, or national team, should an athlete qualify for participation with one of these programs;
 - e) Provide athletes (and the parents/guardians of Minor athletes) with the information necessary to be involved in the decisions that affect the athlete;
 - f) Act in the best interest of the athlete's development as a whole person;
 - g) Meet the screening requirements and coaching credentials, as required by Special Olympics Canada and its Chapters;
 - h) Respect athletes competing for other jurisdictions and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes;

- i) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights;
- j) Dress professionally, neatly, and inoffensively; and
- k) Use inoffensive language.

12. Coaches will not:

- a) Exceed the authority of assigned position;
- b) Provide athletes with, or promote, encourage or condone the use by athletes of illegal drugs, recreational drugs, alcohol, cannabis, or performance enhancing substances or methods; or
- c) Engage in a sexual or intimate relationship with an athlete.

Athletes

13. In addition to section 8 (above), athletes (with the assistance of their caregivers when necessary) will have additional responsibilities to:

- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- b) Participate and appear on-time and be prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events;
- c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason;
- d) Adhere to Special Olympics Canada and Chapter rules and requirements regarding clothing and equipment;
- e) Never ridicule another participant for a poor performance or practice;
- f) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other players, officials, coaches, spectators, or participants;
- g) Dress in a manner representative of Special Olympics Canada and its Chapters, focusing on neatness, cleanliness, and discretion;
- h) Act in accordance with Special Olympics Canada and Chapter policies and procedures and, when applicable, additional rules as outlined by coaches, managers, volunteers or staff; and
- i) Not use illegal drugs, alcohol, cannabis, recreational drugs or performance enhancing substances or methods during any Special Olympics events including but not limited to: training, competitions, camps fundraising events, or when representing Special Olympics Canada at an event hosted by another organization.

Directors, Committee Members, and Staff

14. In addition to section 8 (above), the *Conflict of Interest Policy*, and the *Confidentiality Policy*, the Directors, Committee Members, and Staff will have additional responsibilities to:

- a) Ensure their loyalty prioritizes the interests of Special Olympics Canada or a Chapter, as applicable;
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the organization and the maintenance of Individuals' confidence;

- c) Ensure that SOC/Chapter financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
- d) Conduct themselves openly, professionally, lawfully and in good faith;
- e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism;
- f) Behave with decorum appropriate to both circumstance and position;
- g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws;
- h) Respect the confidentiality appropriate to issues of a sensitive nature;
- i) Respect the decisions of the majority and resign if unable to do so;
- j) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings; and
- k) Have a thorough knowledge and understanding of all governance documents.

Officials

15. In addition to section 8 (above), officials will have additional responsibilities to:

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

Parents/Guardians and Spectators

16. In addition to section 8 (above), parents/guardians and spectators have additional responsibilities to:

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

Chapters

17. Chapters will:

- a) Adhere to Special Olympics Canada’s governing documents and, where necessary, amend their own rules to comply or align with those of Special Olympics Canada;
- b) Recognize that their websites, blogs and social media accounts may be seen as extensions of Special Olympics Canada and other Chapters and must reflect Special Olympics Canada’s mission, vision and values;
- c) Ensure that all athletes, coaches and volunteers participating in sanctioned competitions and events are registered and in good standing;
- d) Have well-defined staff and volunteer recruitment and hiring practices and standards in place including interviews, reference checks, and screening procedures to 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, regardless of the position or authority of the offender;
- g) Advise Special Olympics Canada immediately of any situation where a complainant has or stated an intention to publicize a complaint in the media; and
- h) Provide Special Olympics Canada with a copy of all decisions rendered pursuant to the organization’s policies for complaints and appeals.

Subjecting an Individual to Maltreatment

18. It is a violation of this Code for any Person in Authority to place an Individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing an Athlete and a coach to share a hotel room when traveling, hiring a coach who has a past history of Maltreatment, assigning guides and other support staff to an Athlete when the guide or support staff has a reputation for Maltreatment, or assigning such a guide or support staff to an Athlete in the absence of consultation with the Athlete and their parent/guardian.

NOTE: SOBC adopts and accepts the BC Universal Code of Conduct attached as Appendix A. All individuals must adhere to this Code of Conduct and the BC Universal Code of Conduct.

APPENDIX A

BRITISH COLUMBIA UNIVERSAL CODE OF CONDUCT (BC UCC)

1 PURPOSE

- 1.1 The British Columbia sport sector is committed to advancing a respectful sport culture that delivers quality, inclusive, welcoming and safe sport experiences.
- 1.2 The BC UCC incorporates the key elements of the Universal Code of Conduct to Prevent and Address *Maltreatment* in Sport (UCCMS) in place at the national level and outlines expected and *Prohibited Behaviours* of conduct in sport in B.C.

2 GENERAL PRINCIPLES AND COMMITMENT

- 2.1 Sport organizations in British Columbia are committed to creating a sport environment that is accessible, inclusive, respects their *Participants* personal goals and is free from all forms of *Maltreatment*. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.
- 2.2 *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 Canadian sport stakeholders:
 - 2.2.1 All *Participants* in sport can expect to play, practice, compete, work, and interact in an environment free from *Maltreatment*.
 - 2.2.2 All *Participants* recognize that *Maltreatment* can occur regardless of race, sex, gender identity, gender expression, sexual orientation, age, class background, ability, and religion. Moreover, it is recognized that those from marginalized groups have increased vulnerability to experiences of *Maltreatment*.
 - 2.2.3 All *Participants* 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.
 - 2.2.4 Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participants*, sport stakeholders, sport club administrators and organization leaders.

3 DEFINITIONS

- 3.1 **Boundary Transgressions:** interactions or communications that breach reasonable boundaries between *Participants* and are inconsistent with duties/responsibilities of the individual. See section 6.8.

- 3.2 Consent: the voluntary agreement to engage in the sexual activity in question, by a person who has the legal capacity to consent. See section 6.6.
- 3.3 Criminal Code: The Criminal Code of Canada (Criminal Code, R.S.C. 1985, c. C-46, as amended).
- 3.4 Disclosure: The sharing of information by a *Participant* regarding an incident or a pattern of *Maltreatment* experienced by that *Participant*, including a breach of reasonable boundaries. *Disclosure* does not constitute a formal *Report* to initiate a conduct review process.
- 3.5 Discrimination: Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics or disability. See section 6.9.
- 3.6 Duty to Report: The Child, Family and Community Service Act requires that anyone who has reason to believe that a *Minor* has been or is likely to be abused or *Neglected*, and that the parent is unwilling or unable to protect the *Minor*, must *Report* the suspected abuse or *Neglect* to a child welfare worker.
- 3.7 Federated Sport: All activities organized by a viaSport Accredited Provincial Sport Organization (PSO) and/or its members, or by a viaSport Accredited Disability Sport Organization (DSO) and/or its members, or by a viaSport Accredited Multi-Sport Organization (MSO) and/or its members.
- 3.8 Grooming: Deliberate conduct by a *Participant* to sexualize a relationship with a *Participant*, most commonly but not exclusively with a *Minor* or *Vulnerable Participant*. See section 6.7.
- 3.9 Maltreatment: A volitional act or omission that results in harm or has the potential for physical or psychological harm¹ described in Sections 6.3-6.7.
- 3.10 Minor: An individual who is under the age of majority. In British Columbia, a *Minor* is an individual under 19 years old. It is at all times the responsibility of the adult *Participant* to know the age of a *Minor*.
- 3.11 Neglect: Any pattern or a single incident of lack of reasonable care, inattention to a *Participant's* needs, nurturing or well-being, or omissions in care. See section 6.5.
- 3.12 Participant: Any individual who is subject to the BC UCC. *Participants* may become subject to the BC UCC by various means: Individuals (athletes, coaches, officials, volunteers, administrators, directors, trainers, etc) through membership in a *Federated Sport* organization and/or by signing an express contract accepting the jurisdiction of the BC UCC. This could include A parent or legal guardian of a *Minor* registered in a *Federated Sport* in British Columbia becomes a *Participant* and

¹ Crooks, C. V., & Wolfe, D. A. (2007). Child abuse and neglect. In E. J. Mash & R. A. Barkley (Eds.), *Assessment of childhood disorders* (pp. 639-684). New York, NY, US: Guilford Press.

is therefore subject to the BC UCC.

- 3.13 Physical Maltreatment: any pattern or a single incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Participant*. See section 6.4.
- 3.14 Power Imbalance: A *Power Imbalance* is presumed to exist where a person has authority or control over a *Participant*, 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 *Participant*. Whether an actual *Power Imbalance* exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate *Participant*. *Maltreatment* occurs when the *Power Imbalance* is misused.
- 3.14.1 Once a coach-athlete relationship is established, a *Power Imbalance* exists throughout the coach-athlete relationship, regardless of the age of the athlete, and is presumed to continue for *Minor* athletes after the coach-athlete relationship terminates or until the athlete reaches 25 years of age.
- 3.14.2 A *Power Imbalance* may exist, but is not presumed, where an intimate relationship existed between two adult *Participants* before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between *Consenting* adults that preceded the sport relationship).
- 3.14.3 A presumption that *Power Imbalance* exists may be rebutted.
- 3.14.4 A *Power Imbalance* may arise whether the *Participants* 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 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; and 3) a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
- 3.14.5 Power may be represented by seniority, 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.
- 3.14.6 *Maltreatment* occurs when this power is misused. Moreover, it is recognized that those from traditionally marginalized groups have experienced positions of lesser power.
- 3.15 Prohibited Behaviour: Any of the conduct described in Section 6, including but not limited to *Maltreatment*.
- 3.16 Psychological Maltreatment: Any pattern or a single incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Participant*. See section 6.3.

- 3.17 Reporting (or Report): The provision of information in writing by a *Participant* or by any person to a relevant independent authority, regarding *Prohibited Behaviour*. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the *Prohibited Behaviour*, or (ii) a witness – someone who witnessed the *Prohibited Behaviour* or otherwise knows or ought to have known of *Prohibited Behaviour* or a risk of *Prohibited Behaviour*.
- 3.18 Sexual Maltreatment: Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, in person or by electronic means and that has the potential to be harmful to the sexual integrity of a *Participant*. See section 6.6.
- 3.19 Vulnerable Participant: 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 Participants* include persons who are not able to provide informed *Consent*.

4 SCOPE OF APPLICATION

- 4.1 Context of Participation: The BC UCC applies to all sport activities and related events organized by *Federated Sport* organizations in B.C., including but not limited to practices, training sessions, competitions, and fundraising events.
- 4.2 Individual Subject to and Protected by the BC UCC: The BC UCC applies to all *Participants* active in *Federated Sport*. *Participants*, 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.
- 4.3 Context in which the BC UCC is in Effect: The BC UCC applies to any of the *Prohibited Behaviours* described herein, provided the *Prohibited Behaviour* occurs in any one or a combination of the following situations:
 - 4.3.1 Within a *Federated Sport* environment;
 - 4.3.2 When the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in *Federated Sport* activities;
 - 4.3.3 When the *Participants* involved interacted due to their mutual involvement in *Federated Sport*; or
 - 4.3.4 Outside of the *Federated Sport* environment where the *Prohibited Behaviour* has a serious and detrimental impact on another *Participant* or could undermine the integrity of sport or bring *Federated Sport* into disrepute.
 - 4.3.5 The physical location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.
- 4.4 Sport-Specific Considerations: The BC UCC 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 BC UCC does not address rules of the game, any relevant

sport-specific differences will be considered during an investigative or disciplinary review processes.

- 4.5 Amendments: The BC UCC may be amended from time to time by viaSport BC and amendments shall be published at least 2 months before entering into effect.

5 RESPONSIBILITIES

5.1 Every *Participant* in sport has a responsibility to:

- 5.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all *Participants*.
- 5.1.2 Treat others with respect and dignity.
- 5.1.3 Demonstrate the spirit of sportsmanship, leadership and ethical conduct.
- 5.1.4 Demonstrate respect for the diversity of *Participants*. Act to correct or prevent practices that are unjustly discriminatory.
- 5.1.5 Treat individuals fairly and reasonably.
- 5.1.6 Ensure adherence to the rules of the sport and the spirit of the rules.
- 5.1.7 Immediately *Disclose or Report* any acts or suspicions of *Maltreatment* or other inappropriate behaviours.
- 5.1.8 Foster meaningful inclusion of all individuals.
- 5.1.9 Accept and consider feedback with respect to their own actions and take positive steps to resolve.
- 5.1.10 Establish, respect and maintain appropriate boundaries with *Participants*.
- 5.1.11 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 *Participants* and promotes the concept of individual accountability.
- 5.1.12 Monitor their own behaviours and the behaviours of others.
- 5.1.13 Treat all *Disclosures*, allegations or suspicions of *Maltreatment* seriously.
- 5.1.14 Identify and engage in conversations that lead to positive behaviour change.
- 5.1.15 Abstain from all forms of *Prohibited Behaviours*.

5.2 All *Participants* in a position of trust or authority have a responsibility to:

- 5.2.1 Protect the health and well-being of all other *Participants*.
- 5.2.2 Prevent or mitigate opportunities for *Maltreatment* and other *Prohibited Behaviours*.
- 5.2.3 Respond to incidents of *Maltreatment* involving *Minors* and other *Vulnerable Participants*.
- 5.2.4 Incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to *Discriminatory* practices.
- 5.2.5 Recognize when you are in a position of *Power Imbalance*.

6 PROHIBITED BEHAVIOURS

- 6.1 It is a violation of the BC UCC for a *Participant* to engage in the behaviours described in this section. What matters for the assessment of the *Maltreatment* is whether the conduct falls into

one or more of the categories, not into which category it falls.

6.2 *Participants* in violation of the BC UCC are subject to investigation and disciplinary review processes outlined in the sport organization’s Discipline and Complaints Policy (or equivalent).

6.3 Psychological Maltreatment

6.3.1 *Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support

- a) Verbal Conduct: verbally assaulting or attacking someone, including in online forms: unwarranted personal criticisms; body shaming; derogatory comments related to one’s identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, 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: forms of physically aggressive behaviours such as throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
- c) Conduct that denies attention or support: 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]

6.3.2 *Psychological Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.²

6.4 Physical Maltreatment

6.4.1 *Physical Maltreatment* includes, without limitation, contact or non-contact infliction of physical harm.

- a) Contact behaviours: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic interventions with no specific training or expertise.
- b) Non-contact behaviours: 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

² (i) Stirling, A. (2009). Definition and constituents of maltreatment in sport: Establishing a conceptual framework for research practitioners. *British Journal of Sports Medicine*, 43(14), 1091-9. And (ii) Safe Sport Code for U.S. Olympic and Paralympic Movements. (2019). U.S. Center for Safe Sport.

to a toilet; providing alcohol to a *Minor Participant*; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or knowingly permitting an athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an athlete to perform a skill for which the *Participant* knows or ought to know that the athlete is not developmentally ready.

6.4.2 *Physical Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.³

6.5 Neglect

6.5.1 *Neglect* is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the *Participant's* needs and requirements, not whether harm is intended or results from the behaviour.⁴

6.5.2 Examples of *Neglect* include without limitation: not providing an athlete recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring 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; subjecting *Participants* to the risk of *Maltreatment*.

6.6 Sexual Maltreatment

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

- a) any non-Consensual touching of a sexual nature and/or the *Criminal Code* offence of sexual assault.
- b) participating in, forcing or coercing a person into sexual acts or performing acts on a person that violates their sexual integrity (e.g. hazing). *Criminal Code* offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence.

6.6.2 Sexual harassment, which is defined as any comment or conduct of a sexual nature that is unwelcome or that would be objectively perceived as unwelcome by an outside observer, 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 *Participant'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.

6.6.3 *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).

³ Ibid.

⁴ Ibid.

- 6.6.4 *Sexual Maltreatment of a Minor* is any *Sexual Maltreatment* against a *Minor*. It includes the items described in 6.6.1 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 contact⁵ 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.
- 6.6.5 It is also prohibited for a *Participant* to create, possess, make available or distribute images that sexualize a *Minor*, or that contain nudity of a *Minor*. 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.
- 6.6.6 *Sexual Maltreatment of a Minor* where there is a *Power Imbalance*. For greater certainty and without detracting from the breadth of the acts identified in Sections 6.6.1 and 6.6.2 above, sexual acts or communications (electronic or otherwise) between any *Participant* with another *Participant* where there is a *Power Imbalance* are prohibited.
- 6.6.7 Additional examples of *Sexual Maltreatment* include:
- a) Any sexual solicitation or advance made in the context of a relationship that involves a *Power Imbalance* where the person making the solicitation or advance has more power and knows or ought reasonably to know that it is unwelcome.
 - b) Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person 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*;
 - c) Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are 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 Ibid.

- 6.6.8 The law in Canada focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their *Consent*, whether through words or conduct. Silence or passivity does not equal *Consent*. Sexual activity is only legal when both parties *Consent*. The *Criminal Code* also says there is no *Consent* when:
- a) Someone says or does something that shows they are not *Consenting* to an activity;
 - b) Someone says or does something to show they are not agreeing to continue an activity that has already started;
 - c) Someone is incapable of *Consenting* to the activity, because, for example, they are unconscious;
 - d) The *Consent* is a result of someone abusing a position of trust, power or authority or someone *Consents* on someone else's behalf.
- 6.6.9 A person cannot say they mistakenly believed a person was *Consenting* if:
- a) That belief is based on their own intoxication;
 - b) They were reckless about whether the person was *Consenting*;
 - c) They chose to ignore things that would tell them there was a lack of *Consent*; or
 - d) They didn't take proper steps to check if there was *Consent*.⁶
- 6.6.10 *Minors* cannot *Consent* under the following circumstances:
- a) *Minors* under 12 cannot *Consent* to any sexual activity.
 - b) *Minors* between the ages of 12 and 15 have a limited capacity to *Consent* with similar-age peers (with exceptions); and
 - c) *Minors* over 16 also cannot *Consent* in certain circumstances.
 - d) No *Minors* under the age of 18 has the capacity to *Consent* in the context of a relationship where there is a *Power Imbalance* (eg -coach-athlete).
- 6.6.11 The responsibility for ensuring there is *Consent* is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that *Consent* now exists.
- 6.6.12 No one can legally *Consent* in advance to sexual activity in the future when they will be unconscious.
- 6.6.13 No one can legally *Consent* to sexual activity where they will suffer bodily harm, such as activity that will cause serious bruises, stitches or broken bones.

6.7 Grooming

- 6.7.1 *Grooming* may be conduct that precedes other behaviours defined as *Sexual Maltreatment*, or is carried out in conjunction with other forms of *Sexual Maltreatment*.⁷ 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.

⁶ *Criminal Code*, R.S.C. 1985, c. C-46, [s. 273.1(1)]

⁷ Commit to Kids. Helping Organizations Prevent Child Sexual Abuse. Canadian Centre for Child Protection. <https://commit2kids.ca/en/>

- 6.7.2 In assessing whether *Grooming* has occurred, the existence of a *Power Imbalance* should be taken into account.
- 6.7.3 *Grooming* is a term used to describe a process that is engaged in by an individual and can be comprised of one or several acts that, viewed objectively, make it easier to either engage in *Sexual Maltreatment* or reduce the chance that *Sexual Maltreatment* will be *Reported*. The process is often gradual and involves building trust and comfort with a young 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.

6.8 Boundary Transgressions

- 6.8.1 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. 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.
- 6.8.2 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 a process whereby the circumstances are reviewed and potentially resolved informally or a formal conduct review is initiated.
- 6.8.3 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.
- 6.8.4 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 *Participant* that is not within the typical communication channels;
 - c) communicating privately with a *Minor* through social media or text;
 - d) sharing personal photographs;
 - e) shared use of locker rooms;
 - f) one-on-one meetings that are not held in an open and observable environment;
 - g) private travel or transportation,
 - h) and providing personal gifts

6.9 Discrimination

- 6.9.1 The following are examples of discriminatory practices if they are based on one or more of the grounds of *Discrimination within the definition (see section 3.5)*
- a) Denying someone access to sport
 - b) Treating a *Participant* unfairly
 - c) Communicating hate messages or unwelcome remarks or jokes
- 6.10 Subjecting a Participant to the Risk of Maltreatment
- 6.10.1 It is a violation for sport administrators or other sport decision-makers in positions of authority to place *Participants* in situations that they know or ought to have known make the *Participant* vulnerable to *Maltreatment*.
- 6.10.2 Examples of subjecting a *Participant* to the risk of *Maltreatment*: instructing an athlete and coach to share a hotel room when traveling, hiring a coach who has a past history of athlete *Maltreatment*, assigning guides and other support staff to a para-athlete when the guide or support staff has a reputation for athlete *Maltreatment* or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.
- 6.11 Aiding and Abetting
- 6.11.1 Aiding and Abetting is any act taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of *Maltreatment* by or against a *Participant*.
- 6.11.2 Aiding and Abetting also includes, without limitation, knowingly allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct *Participants*; providing any coaching-related advice or service to an athlete who has been suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.
- 6.12 Failure to Report
- 6.12.1 Failure to *Report* possible *Maltreatment, Prohibited Behaviour* or *Boundary Transgressions* toward a *Minor*:
- a) Notwithstanding the legal *Duty to Report* child abuse and *Neglect* under B.C. child welfare laws, it is a violation for an adult *Participant* to fail to *Report* possible *Maltreatment, Prohibited Behaviour* or *Boundary Transgression* toward a *Minor* if the adult *Participant* knew or ought to have known that it is occurring. The obligation includes *Reporting*, on a timely basis, any and all relevant information of which an adult *Participant* becomes aware.
 - b) Known or suspected abuse or *Neglect* of a child by a parent must be *Reported* to: local child welfare services, B.C. Ministry of Children and Family Development, or local police. In addition, where abuse or *Neglect* by a third party is known or suspected, and the child's parent is unwilling or unable to protect the child, it must be *Reported* to: local child welfare services, the B.C. Ministry of Children and Family Development, or local police. A *Participant* should not investigate or attempt to evaluate the credibility or validity of an allegation of *Prohibited Behaviour*. A *Participant*

making a good faith *Report* is not required to prove the *Report* is true before *Reporting*.

To *Report* Child Abuse in B.C. call 1-800-663-9122.⁸

6.12.2 Failure to *Report* possible *Maltreatment*, *Prohibited Behaviour* or *Boundary Transgressions* toward an adult *Participant*

- a) It is a violation for any *Participant* who knew or ought to have known of another *Participant*'s inappropriate conduct to fail to *Report* such conduct, even if it is not defined as *Maltreatment*. Those in positions of trust or authority who become aware of a *Participant*'s *Boundary Transgression*(s) have an enhanced responsibility for *Reporting* the concern through the relevant channels. A *Participant* who fails to *Report* may be subject to disciplinary action
- b) 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 such escalation, hence the obligation on all *Participants* to *Report*.

6.13 Intentionally Filing a False Allegation

6.13.1 It is a violation to file a knowingly false allegation, or influence another to file a knowingly false allegation, that a *Participant* engaged in *Maltreatment*. An allegation is false if the events *Reported* did not occur, and the person making the *Report* knows the events did not occur.

6.13.2 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.

6.14 Interference with or Manipulation of Process

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

- a) knowingly falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) destroying or concealing information with the intent to interfere with or influence the outcome of the resolution process;
- c) attempting to discourage a person's proper participation in or use of the processes;
- d) harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings;
- e) failing to comply with any temporary or provisional measure or final sanction; or

⁸ <https://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/reporting-child-abuse>

- f) influencing or attempting to influence another person to interfere with or manipulate the process.
- 6.14.2 All *Participants* are expected to act in good faith throughout any investigation or disciplinary review process, and the sole purpose of Section 6.14 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 BC UCC violation.
- 6.15 Retaliation
- 6.15.1 A *Participant* shall not take an adverse action against any person for making a good faith *Report* of possible *Prohibited Behaviour* or for participating in any process.
 - 6.15.2 Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review processes. 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*.