

CANADIAN SKI INSTRUCTORS' ALLIANCE (“CSIA”)

SAFE SPORT POLICIES

DEFINITIONS

The terms defined below shall apply to all policies included in this Safe Sport Policy Manual.

1. **Abuse** – Includes Psychological Maltreatment, Physical Maltreatment, Neglect, and/or Grooming of Vulnerable Participants by Persons in Authority and which can have the following warning signs:
 - a) Recurrent unexplained injuries.
 - b) Alert behaviour; person seems to always be expecting something bad to happen.
 - c) Often wears clothing that covers up their skin, even in warm weather.
 - d) The person startles easily, shies away from touch or shows other skittish behaviour.
 - e) Constantly seems fearful or anxious about doing something wrong.
 - f) Withdrawn from peers.
 - g) Behavior fluctuates between extremes (e.g., extremely cooperative, or extremely demanding).
 - h) Acting out in an inappropriate sexual way with toys or objects.
 - i) New words for body parts and no obvious source.
 - j) Self-harm (e.g., cutting, burning or other harmful activities).
 - k) Not wanting to be alone with a particular person.
2. **Affected Party** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.
3. **Appeal Manager** – An individual, who may be any Organization staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*. The Appeal Manager must not have been involved in handling or deciding on the original decision and must not be in a conflict of interest.
4. **Appellant** – The Party appealing a decision.
5. **Board** – The Board of Directors of the Organization.
6. **Case Manager** – An individual (or individuals) or their delegate appointed by the Organization or by the Organization’s Independent Third Party (as applicable) to receive and/or administer complaints under the *Discipline and Complaints Policy*. The Case Manager must not be in a conflict of interest. The Independent Third Party may serve as the Case Manager.
7. **Committee Member** – an individual elected or appointed as a member to a committee of the Organization or another affiliated organization.
8. **Complainant** – A Participant or any person who reports an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*.

9. **Conflict of Interest** - A conflict of interest is a situation or circumstance in which the private or personal interests of a person influence, or may be reasonably seen to influence, the independent, objective and impartial performance of one's duty or obligations.
10. **Consent** – *Consent* is defined in Canada's *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law 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: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent. Sexual activity with a Minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.
11. **Criminal Record Check (CRC)** – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions.
12. **Days** – Days including weekends and holidays.
13. **Director** – An individual appointed or elected to the Board of Directors of the Organization.
14. **Disclosure** - The sharing of information by a Participant or any Individual regarding an incident or a pattern of Maltreatment experienced by that Participant or Individual. Disclosure does not constitute a formal report that initiates a process of investigation to address the Maltreatment.
15. **Discrimination** – Differential treatment of an individual based on one or more of the grounds prohibited under applicable human rights legislation 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.
16. **Duty to Report**
 - a) **Concerns Under Child Protection Legislation:** A legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation. Everyone has a duty to report abuse and neglect under Canadian welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report Maltreatment if there is knowledge or suspicion that it is occurring. This is called the "duty to report." Every person in Canada has the duty to report known or suspected Maltreatment by law. Known or suspected abuse or Neglect of a person must be reported to: local police, or local Child welfare services (e.g., children's aid society or Child and family services agency), or provincial/territorial social service ministries or departments.
 - b) **Concerns Outside of Child Protection Legislation:** Participants have a duty to report concerns of inappropriate conduct of other Participants and to uphold the ethical standards and values. Reporting inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect Participants from Maltreatment is enacted.
17. **Enhanced Police Information Check (E-PIC)** – a Criminal Record Check plus a search of Local Police Information, available from Mintz or such other providers, including but not limited to, Sterling Backcheck.

18. **Event** – An event sanctioned by the Organization.
19. **Discipline Panel** – A Panel of one or three people who are appointed by the Case Manager to handle complaints that are assessed under Process #2 of the *Discipline and Complaints Policy*. Panel members must not be in a conflict of interest. A Discipline Panel may be external to the Organization, such that the members on the panel are not directly affiliated with the Organization.
20. **Grooming** – Deliberate conduct by a Participant to sexualize a relationship with a person that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the Participant will gain the trust of the person and peers around the person often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the person in order to abuse or exploit the person. Grooming can occur whether or not harm is intended or results from the behaviour. (Grooming is also a prohibited behaviour listed under the definition of Maltreatment).
21. **Harassment** – A course of vexatious comments or conduct against a Participant or group, which is known or ought reasonably to be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
- a. Written or verbal abuse, threats, or outbursts;
 - b. Unwelcome remarks, jokes, comments, innuendo, or taunts;
 - c. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
 - d. Leering or other suggestive or obscene gestures;
 - e. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - f. Practical jokes which endanger a person's safety, or may negatively affect performance;
 - g. **Hazing** – 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;
 - h. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - i. Deliberately excluding or socially isolating a person from a group or team;
 - j. Sexual flirtations, advances, requests, or invitations;
 - k. Physical or sexual assault;
 - l. Contributing to a *poisoned Organizational environment*, which can involve:
 - i. An environment where discriminatory material or images are posted or displayed (e.g., sexually explicit posters and racial/racist cartoons).
 - ii. Environments and/or groups of people where harassing behaviour is part of the normal course of activities.
 - iii. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
 - m. 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,
 - n. Retaliation or threats of retaliation against a person who reports harassment to the Organization.

22. **Independent Third Party** – An independent individual, group of individuals, and/or organization appointed by the Organization to assume the responsibilities of the Independent Third Party described in the Organization’s *Discipline and Complaints Policy*.
23. **Internal Discipline Chair** – An individual appointed by the Case Manager to handle complaints that are assessed under Process #1 of the *Discipline and Complaints Policy*. The Internal Discipline Chair may be a Director, staff member, member of the organization, or other individual affiliated or unaffiliated with the Organization but must not be in a conflict of interest.
24. **Local Police Information (LPI)** – Additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought.
25. **Maltreatment** – Includes Maltreatment related to:
- a) **Psychological Maltreatment** – which includes, without limitation, verbal acts, non-assaultive physical acts and acts that deny attention or support.
 - i. Verbal Acts - Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one’s identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/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 information inappropriately. Verbal Maltreatment may also occur in online forms.
 - ii. Non-assaultive Physical Acts (no physical contact) - Physically aggressive behaviors, 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.
 - iii. 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 a person repeatedly or for an extended period of time; abandonment of an Student 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.
 - b) **Physical Maltreatment** – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm.
 - i. Contact behaviours - Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.
 - ii. Non-contact behaviours - Including but not limited to: 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 Student 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 under the legal drinking age; providing illegal drugs or non-prescribed medications to a Participant; encouraging or knowingly permitting an Student to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an Student to perform a skill for which they are known to not be developmentally ready.
 - c) **Sexual Maltreatment** – includes, without limitation, any act targeting a person’s sexuality, gender identity or expression, that is committed, threatened or attempted against a 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 include:

- i. 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
 - ii. 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 another touch themselves, the Participant, or someone else with or on any of the body parts listed in (2) above; and,
 5. any intentional touching in a sexualized manner of the relationship, context or situation.
 - iii. In addition to the criminal acts identified above, the Universal Code of Conduct to prevent and address Maltreatment in Sports (UCCMS) prohibits sexual relations between a Student/client above the age of majority (depending upon jurisdiction) and a Participant who holds a position of trust and authority on the basis that there can be no Consent where there is a Power Imbalance. A Power Imbalance that is presumed to exist may be challenged.
- d) *Neglect* – or acts of omission, includes without limitation: not providing a person recovery time and/or treatment for an injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an Student during travel, training or programs; not considering the welfare of the Student when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an Student; failure to ensure safety of equipment or environment; allowing an Student to disregard rules, regulations, and standards, subjecting Participants to the risk of Maltreatment.
- e) *Grooming* – is often a slow, gradual, and escalating process of building trust and comfort with a person. Grooming includes, without limitation, the process of 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; Participants sharing rooms with a person 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. The Grooming process:
- i. Grooming usually begins with subtle behaviours that do not appear to be inappropriate. 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.
 - ii. In the grooming process, the offender begins by gaining trust of a person. The offender establishes a friendship and gains the person's trust. Grooming then involves testing boundaries (e.g., telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to "accidental" sexual touching.
 - iii. The person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel

obligated to protect the offender. The offender also builds trust with those close to the person so that the relationship with the person is not questioned.

- f) *Interference with or Manipulation of Process* – it is considered maltreatment if a Participant directly or indirectly interferes with a process by:
- i. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - ii. destroying or concealing information;
 - iii. attempting to discourage an individual's proper participation in or use of the processes of the Organization;
 - iv. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of the Organization;
 - v. publicly disclosing a Participant's identifying information, without the Participant's agreement;
 - vi. failing to comply with any temporary or provisional measure or other final sanction;
 - vii. distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
 - viii. influencing or attempting to influence another person to interfere with or manipulate the process.
- g) *Retaliation* – means that a Participant shall not take an adverse action against any person for making a good faith Report of possible Maltreatment or for participating in any process related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of the Organization or partner organization. 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.
- h) *Aiding and Abetting* – is 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:
- i. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with the organization or to instruct Participants; and
 - ii. allowing any person to violate the terms of their suspension or any other sanctions imposed.
- i) *Reporting* – it is considered Maltreatment to fail to report Maltreatment of a person. A legal Duty to Report is mandated by law, and the requirement varies by province and territory depending on provincial/territorial legislation.
- i. Failure to Report Maltreatment
 1. The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect. The obligation to Report is an ongoing one and is not satisfied simply by making an initial Report. The obligation includes Reporting, on a timely basis, all relevant information of which a Participant becomes aware.
 2. The obligation to Report includes making a direct Report.
 3. The obligation to Report includes personally identifying information of a potential Complainant to the extent known at the time of the Report, as well as a duty to reasonably supplement the Report as to identifying information learned later.
 4. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect. Participants making a

good faith Report are not required to prove the Reports are true before Reporting.

- ii. Failure to Report Inappropriate Conduct
 1. Not all inappropriate conduct may meet the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behavior with the risk of escalating to Maltreatment. Any Participant who suspects or becomes aware of another Participant's inappropriate conduct, even if it is not defined as Maltreatment, has a Duty to Report such inappropriate conduct through the organization's internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures. The person making the report does not need to determine whether a violation took place: instead, the responsibility lies in reporting the objective behaviour.
- iii. Intentionally Filing a False Allegation
 1. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur.
 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 grounds for a violation.

26. "**Member**" – refers to any individual or organization that is a member of the Organization as defined in the Organization's By-laws.
27. **Minor** – Any Participant who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor. For protection in each Canadian province and territory, a Minor is a person younger than the following age:
 - a) 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
 - b) 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
 - c) 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon
28. **Neglect** – 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. 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. (Neglect is also a prohibited behaviour listed under the definition of Maltreatment).
29. **Organization** – Canadian Ski Instructors' Alliance ("CSIA") and/or its regional organizations
30. **Participant** – Refers to any individual who is subject to the jurisdiction of the Organization through their registration, participation and/or or affiliation with the Organization and may be an individual member/registrant of the Organization or of another organization that is affiliated with the Organization. Examples of a Participant include, but are not limited to, members, employees, contractors, students, volunteers, managers, administrators, committee members, parents or guardians, committee members, and Directors and Officers.
31. **Parties** – Refers collectively to the individuals who are directly interested in the complaint/incident in issue, are entitled to fully participate in the hearing of the complaint and/or dispute resolution process and may appeal the decision resulting from the process. In the *Discipline and Complaints Policy*, the Parties are the Complainant and Respondent. In the *Appeal Policy*, the Parties are the Appellant, Respondent, and any Affected Party.
32. **Person in Authority** – Refers to any Participant who holds a position of authority within the Organization or an organization affiliated with the Organization including, but not limited to,

course conductors, employees, managers, members, support personnel, committee members, and Directors and Officers.

33. **Physical Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the Participant. Physical Maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Physical Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment).
34. **Power Imbalance** – A Power Imbalance may exist where, based on the totality of the circumstances, a Participant has supervisory, evaluative, a duty of care, or other authority over another Participant. A Power Imbalance may also exist between a Student and other persons involved in positions such as course conductors or employee. Maltreatment occurs when this power is misused. Once an instructor-Student relationship is established, a Power Imbalance is presumed to exist throughout the instructor-Student relationship, regardless of age, and is presumed to continue for Minor Students after the instructor-Student relationship terminates or until the Student reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed 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).
35. **Psychological Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the Participant. Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Psychological Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment).
36. **Reporting (or Report)** – The provision of information in writing regarding Maltreatment by any person or a Participant to a relevant authority within the Organization (such as the Case Manager) charged with receiving a report and determining next steps. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an investigative process, which could result in disciplinary action being taken against the Respondent; or a complaint under the *Discipline and Complaints Policy*.
37. **Respondent** – The Participant responding to a complaint or, in the case of an appeal, the body whose decision is being appealed.
38. **Sexual Maltreatment**
 - a) **Involving a Minor:** Any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact. (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment).
 - b) **Involving a person over the Age of Majority:** Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a Participant without the Participant's Consent. It includes any act targeting a Participant's sexuality, gender identity or expression, that is committed, threatened or attempted against a Participant without that Participant's Consent, 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. 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). (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment).

39. **Social Media** – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.
40. **Vulnerable Participants** – Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority).
41. **Vulnerable Sector Check (VSC)** – A detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, Local Police Information, and the Pardoned Sex Offender database.
42. **Worker** – Any person who performs work for the Organization including employees, managers, supervisors, course conductors, rookies, volunteers, the Board of Directors, and other independent contractors.
43. **Workplace** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and programs environment, and work-related conferences or training sessions.
44. **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:
 - a) Bullying;
 - b) Workplace pranks, vandalism, bullying or hazing;
 - c) Repeated offensive or intimidating phone calls or emails;
 - d) Sexual touching, advances, suggestions or requests;
 - e) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
 - f) Psychological abuse;
 - g) Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
 - h) Deliberately withholding information that would enable a person to do his or her job, perform or train;
 - i) Sabotaging someone else's work or performance;
 - j) Gossiping or spreading malicious rumours;
 - k) Intimidating words or conduct (offensive jokes or innuendos); and
 - l) Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.
45. **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:
 - a) Verbal or written threats to attack;

- b) Sending to or leaving threatening notes or emails;
- c) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- d) Wielding a weapon in a Workplace;
- e) Hitting, pinching or unwanted touching which is not accidental;
- f) Dangerous or threatening horseplay;
- g) Physical restraint or confinement;
- h) Blatant or intentional disregard for the safety or wellbeing of others;
- i) Blocking normal movement or physical interference, with or without the use of equipment;
- j) Sexual assault; and,
- k) Any attempt to engage in the type of conduct outlined above.

DRAFT

CODE OF CONDUCT AND ETHICS

THIS DOCUMENT IS PART OF THE SAFE SPORT POLICY MANUAL, WHICH INCLUDES DEFINITION OF TERMS USED IN THIS CODE.

Purpose

- 1) The Canadian Ski Instructor's Alliance (the "CSIA") Code of Ethics (the "Code") has been developed to help members and other participants achieve a level of personal conduct that is consistent with the position and profession of Alpine Ski Instructors. It contains standards of behavior expected of members not only while they perform their duties, but at all times.
- 2) The CSIA's reputation is based on its members' and other participants adherence to conducting business and relationships in a safe and positive environment that is based on respect of others, openness, fairness, integrity and the respect of all applicable laws and regulations
- 3) The CSIA supports diversity and equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals can safely participate in sport.

Application of this Code

- 4) This Code applies to members, and all other participants affiliated to the organization
- 5) This Code applies to conduct while performing duties of the profession of alpine ski teaching
- 6) This Code applies to conduct during the business, activities, and events of the Organization including, but not limited to programs, evaluations, trainings, travel associated with organizational activities, the office environment, and any meetings.
- 7) This Code also applies to conduct outside of the contexts described in sections 5 and 6 of this code when such conduct adversely affects the Organization's relationships (and the work and sport environment), is detrimental to the image and reputation of the Organization or has the potential to jeopardize the public's confidence in the profession of ski instruction or public safety. The Organization will, at its sole discretion, determine if this Code applies in any given situation and/or to any Participant conduct.
- 8) This Code applies to Participants who have retired from the Organization where any claim regarding a potential breach of this Code occurred when the Participant was active in the Organization.
- 9) In addition, breaches of this Code may occur when the Participants involved interacted due to their mutual involvement in the sport and profession or, if the breach occurred outside of the Organization's environment, if the breach has a serious and detrimental impact on the Participant(s).
- 10) Any Participant who violates this Code 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, a Participant who violates this Code during a program(s) may be removed from the program(s), and the Participant may be subject to further sanction(s).

- 11) This Code is not meant to be a complete code of ethics and business conduct covering every eventuality. Consequently, should Members be confronted with a situation where further guidance is required, the matter should be discussed with a member of the CSIA senior management. The CSIA recognizes the obligation to support its members' as ethical issues arise.

Ethical Guidelines and Responsibilities

- 12) This Code is organized around four (4) key principles. Participants are expected to govern their conduct and behaviour in a manner consistent with the following ethical guidelines and responsibilities:

- a) **Respect for Participants:** This principle challenges all participants to act in a manner respectful of the dignity and self-esteem of all individuals involved in the sport and the profession, including but not limited to persons participating in snow school lessons, persons participating in snow sports (general public) or colleagues in the snow sport industry. More specifically, this principle refers to the following values:

i) Respect

- At all times, treat all individuals involved in the sport with fairness, respect, honesty, and integrity.
- Consistently demonstrate a spirit of sportsmanship, leadership, and ethical conduct.
- Respect other participants good efforts, provide them with appropriate and constructive feedback or criticism in a caring manner that is sensitive and adapted to their needs.
- Avoid public criticism and refrain from engaging publicly in demeaning descriptions of others in sport (e.g., statements, conversations, jokes, presentations, and media reports).

ii) Rights

- Respect people as autonomous individuals and refrain from intervening inappropriately in personal affairs that are outside the generally accepted jurisdiction of a ski instructor.

iii) Equity

- Treat all participants equally refraining from and avoiding any form of discrimination.

iv) Empowerment

- Encourage and facilitate participants' abilities to be responsible for their own behavior, performance and decisions.

v) Confidentiality

- Exercise discretion in recording and communicating information so that information is not interpreted or used to the detriment of others.

- b) **Responsible Teaching:** This principle demands that the activities of participants will be done safely and with the best interest of all persons participating in lessons in mind. More specifically, this principle refers to the following values:

i) Professional Training

- Be responsible for achieving and maintaining a high personal level of professional

competence through appropriate training.

- Keep themselves up to date with relevant information through personal learning discussions, workshops, courses, conferences, etc., to ensure their services will benefit others.

ii) Self-Knowledge

- Evaluate how the participants' own experience, attitudes, beliefs, values, and stresses influence their actions as ski instructors and integrate this awareness into all efforts to benefit others.

iii) Teaching Limits and Safety

- Participants must take into account their limits of knowledge and capacity when establishing their teaching practices. In particular, participants must not assume responsibilities for which they are insufficiently prepared.
- Refrain from working in unsafe or inappropriate situations that significantly compromise the quality of their services, and the health and safety of all involved.
- Refrain from working or providing services when under the influence of drugs, alcohol, or any substance that can alter or impair your judgement and/or professional conduct and therefore, put at risk the safety and security of others, including without limitation, the ones of the students and general public.

iv) Complete Effort

- Ensure that every reasonable effort has been applied to help other participants (i.e.: students) reach their potential.

v) Maltreatment, Discrimination, Harassment and Sexual Relationships

- Refrain from any behaviour that constitutes Maltreatment, Discrimination, Harassment, Workplace Harassment, or Workplace Violence.
- Act when appropriate to correct or prevent practices that are unjustly discriminatory.
- When they are a Person in Authority, Participants are responsible for knowing what constitutes Maltreatment.
- The categories of Maltreatment are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, Harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.
- Maltreatment can be any of the prohibited behaviours and conduct, provided the Maltreatment occurs in any one or a combination of the following situations (the physical location(s) where the alleged Maltreatment occurred is not determinative):
 - (a) When the Participant alleged to have committed Maltreatment was engaging in Organizational activities;
 - (b) When the Participants involved interacted due to their mutual involvement in the Organization; and/or
 - (c) Outside of the Organization where the Maltreatment has a serious and detrimental impact on another Participant.
- It is a violation of the Code for administrators or other Persons in Authority to place

Participants in situations that make them vulnerable to Maltreatment.

- Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities. This is especially relevant when considering the relationship such as the one between an instructor and a student. The inherent power imbalance that exists in such relationship must be understood and the participant in position of power or authority must be extremely careful not to abuse it, either consciously or unconsciously.
- Sexual intimacy between participants is not tolerated, unless it is between consensual adults. The principle of zero tolerance must be exercised where minors are involved, this includes but is not limited to sexual relations, sexual harassment and sexual assault.

vi) Extended Responsibility

- Recognize and address harmful personal practices of others in the sport e.g., drug and alcohol use/addiction, physical and mental abuse, and misuse of power.

c) Integrity in Relationships: This principle holds that all Participants are expected to be honest, sincere and honorable in their relationships with others. More specifically, this principle refers to the following values:

i) Honesty

- Accurately represent their qualifications, experience, competence and affiliations in spoken and written communication, being careful not to use descriptions or information that could be misinterpreted.

ii) Conflict of Interest

- Abide by the organization's Conflict of Interest policy and therefore refrain from acting in ways which are actually or potentially harmful or detrimental to the Organization's best interests.

iii) Financial

- Members must meet professional financial obligations promptly and conduct all their business dealings in a manner befitting the standards of the organization.

d) Honoring Sport: This principle challenges all Members to recognize, act on and promote the value of sport for individuals and other partners in the sport. More specifically, this principle refers to the following values:

i) Positive Role Model

- Maintain the highest standard of personal conduct and project a favorable image of skiing, of ski teaching and of the organization to other participants and the public in general.
- Ensuring adherence to the rules of the Organization and the spirit of those rules.
- Respect the property of others and not wilfully cause damage to property.
- Adhere to all federal, provincial/territorial and municipal laws, as well as all host resorts regulations.
- Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of the Organization, as applicable and as adopted and amended from time to time.

ii) Responsibility to Industry Partners

- Promote cooperation with resorts, ski schools, the skiing public, and other groups that participate in and promote skiing.
- Avoid discrediting ski equipment, manufacturers, sponsors, suppliers and/or other industry partners.
- In a ski resort, privileges are often given, and under no circumstances should these be taken as a right nor be abused. Example of such privileges includes receiving free lift tickets at a resort

Directors and Committee Members

13) In addition to the responsibilities required of Participants, Directors, Committee Members, and staff of the Organization will have additional responsibilities to:

- Directors must abide by the organization's Oath of Office
- Function primarily as a Director or Committee Member of the Organization (as applicable) and not as a member of any other organization or constituency.
- Ensure their loyalty prioritizes the interests of the Organization.
- Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
- Comply with background check requirements.
- Conduct themselves openly, professionally, lawfully and in good faith.
- Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
- Behave with decorum appropriate to both circumstance and position.
- Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
- Maintain confidentiality of private information of the Organization.
- Respect the decisions of the majority and resign if unable to do so.
- Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- Have a thorough knowledge and understanding of all governance documents.

Course Conductors

14) In addition to the ethical guidelines and responsibilities required of Participants, Course Conductors have many additional responsibilities. The Course Conductor-student relationship could potentially be an even more privileged relationship than the one between Instructors-Students, as it is one that plays a critical role in the professional development of the student or new Course Conductors. Course Conductors must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, either consciously or unconsciously. Course conductors will:

- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the student, based on certification level, ability, and fitness level.
- b) Support the organization's employees and systems, as well as those of partner organizations in a positive and professional manner.
- c) Make every effort to attend professional development sessions annually, to improve personal abilities and performance.
- d) Align with the goals and objectives of the organization, as they service the membership at large.

- e) Comply with background check requirements set by the organization.
- f) Exhibit exemplary professional behavior at ski areas and while representing the organization, which includes the following:
 - i) Communication and human relations skills
 - ii) Respect for clients and colleagues
 - iii) A positive attitude
 - iv) Appropriate grooming and appearance
 - v) Punctuality
 - vi) Knowledge of ski resort policy and procedures
- g) Approach problems and issues (technical and non-technical) in a professional and respectful manner, seeking solutions that support due process.
- h) Refrain at all times from working when under the influence of drugs, alcohol, or any substance that can alter or impair your judgement and/or professional conduct and therefore, put at risk the safety and security of others, including without limitation, the ones of your course participants
- 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, add alcohol, cannabis, and/or tobacco to the list.
- j) Recognize the power inherent in the position of Course Conductor and respect and promote the rights of all participants in sport and the profession. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Course Conductors 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.
- k) Avoid any behaviour that abuses the Power Imbalance inherent in the position to:
 - i) establish or maintain a sexual relationship with a student or other participants that they are instructing or supervising; or,
 - ii) encourage inappropriate physical or emotional intimacy with a student or other participant, regardless of the student's age.
- l) Not engage in a sexual or intimate relationship with a student of any age in which the Course Conductor is in a position of trust or authority.
- m) Disclose to the Organization any sexual or intimate relationship with a student over the age of majority and immediately discontinue any instructing involvement with that student.

Compliance with the Code

- 15) All Participants are expected to comply with the Code and actively support its values and principles. They should take all reasonable steps to prevent a Code violation.
- 16) All information will, to the extent possible, be received in confidence. No retaliatory action will be taken against anyone for making in good faith a report of a violation. However, anyone who takes part in a prohibited activity may be sanctioned even if they report it. A Member's decision to report will, in all cases, be given due consideration in the event any action is necessary.
- 17) Any Member who fails to comply with this Code, or who withholds information during the course of an investigation regarding a possible violation of it, is subject to disciplinary action, if applicable, up to and including expulsion from the CSIA membership without delay.

- 18) Also, if it is proven that a false accusation was made by a member who knows it to be false, this will represent a contravention of this Code and may be subject to disciplinary action up to and including expulsion from the CSIA membership.

Recommended Process and Procedures

- 19) In cases sections of the Code are violated or suspected to be violated, a complaint must be filed as per the organizations Discipline and Complaint policy.

Policy History	
Approved	
Next Review Date	

DRAFT

DISCIPLINE AND COMPLAINTS POLICY

THIS DOCUMENT IS PART OF THE SAFE SPORT POLICY MANUAL, WHICH INCLUDES DEFINITION OF TERMS USED IN THIS POLICY

Purpose

1. The purpose of this Policy is to provide direction on how complaints may be submitted, how they will be assessed, and how they will be resolved. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of the Organization. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

Principle

2. This Policy is guided by the principle that Maltreatment has no place in the CSIA and, when present, must be sanctioned appropriately.

Application of this Policy

3. This Policy applies to Participants.
4. This Policy applies to matters that may arise during the business, activities, and events of the Organization including, but not limited to, programs, training, camps and meetings.
5. This Policy also applies to Participants' conduct outside of the business, activities, and events of the Organization when such conduct adversely affects the Organization's relationships (and the work and sport environment), is detrimental to the image and reputation of the Organization or has the potential to jeopardize the public's confidence in the profession of ski instruction or public safety. The Organization will, at its sole discretion, determine if/when this Policy applies.
6. This Policy will apply to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the Organization. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
7. If it is considered appropriate or necessary in the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within programs will be dealt with by the procedures specific to the programs, if applicable. In such situations, disciplinary sanctions may be for the duration of the programs, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the Organization who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.
9. The Organization may, at its discretion, assume jurisdiction of a complaint that was submitted to an organization within its jurisdiction. In such cases, the Organization (or Independent Third Party, if applicable) will determine whether the complaint process should be re-started or resumed pursuant to the applicable section of this Policy.

Minors

10. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Case Manager, Independent Third-Party, Internal Discipline Chair or Discipline Panel (as applicable) must be directed to the Minor's representative.
12. A Minor is not required to attend an oral hearing, if held.

Reporting a Complaint

13. Any person may report a complaint to the Organization and/or the Organization's Independent Case Manager:

Sport Law Inc.
Email: hello@sportlaw.ca

14. A flowchart for the complaint process is provided as **Appendix A**.
15. At its discretion, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.
16. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Complainant may contact the Case Manager for direction regarding the formal submission of a complaint. The Case Manager may accept any formal complaint, in writing or not, at their sole discretion.

Receiving a Complaint – Case Manager Responsibilities

17. Upon receipt of a complaint, the Case Manager must:
 - a) Determine the appropriate jurisdiction to manage the complaint and consider the following:
 - a. Whether the complaint should be handled by the Organization or another organization. In making this decision, the Case Manager will consider:
 - i. whether the incident has occurred within the business, activities or events of the Organization or the other organization. If the incident has occurred outside of the business, activities, or events of either or both of these organizations, the Case Manager will determine which organization's relationships are adversely affected or which organization's affairs are most impacted; and,
 - ii. if the other organization is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity.
 - b. If the Case Manager determines the complaint or incident should be handled by the other organization, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Case Manager to fulfil the responsibilities listed below. In such instance where this Policy is adopted by another organization, any reference to 'Case Manager' below shall be understood to be a reference to the organization's Case Manager and any reference to 'the Organization' shall be understood to be a reference to that organization managing the complaint.
 - b) Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's decision to dismiss the complaint may not be appealed;

- c) Propose the use of alternative dispute resolution techniques;
- d) Determine if the alleged incident should be investigated pursuant to **Appendix B – Investigation Procedure**; and/or
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

18. There are two different processes that may be used to hear and adjudicate complaints. The Case Manager will decide which process should be followed based on the nature of the complaint and using the following as a general guideline:

Process #1 - the Complainant alleges the following incidents:

- i. Disrespectful conduct or comments.
- ii. Minor incidents of physical violence (e.g., tripping, pushing, elbowing).
- iii. Conduct contrary to the values of the Organization.
- iv. Non-compliance with the Organization's policies, procedures, rules, or regulations.
- v. Minor violations of the *Code of Conduct and Ethics*.

Process #2 - the Complainant alleges the following incidents:

- i. Repeated minor incidents.
- ii. Hazing.
- iii. Abusive, racist, or sexist comments or behaviour.
- iv. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct.
- v. Major incidents of violence (e.g., fighting, attacking, sucker punching).
- vi. Pranks, jokes, or other activities that endanger the safety of others.
- vii. Conduct that intentionally interferes with a programs or with any student's preparation for a programs.
- viii. Conduct that intentionally damages the Organization's image, credibility, or reputation.
- ix. Consistent disregard for the by-laws, policies, rules, and regulations.
- x. Major or repeated violations of the *Code of Conduct and Ethics*.
- xi. Intentionally damaging the Organization's property or improperly handling the Organization's monies.
- xii. Abusive use of alcohol, any use or of alcohol by Minors, or use or possession of illicit drugs and narcotics.
- xiii. A conviction for any *Criminal Code* offense.

PROCESS #1: HANDLED BY INTERNAL DISCIPLINE CHAIR

Internal Discipline Chair

19. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint an Internal Discipline Chair (**who may be a Director, staff member, or other individual affiliated or unaffiliated with the Organization, free from conflict of interest**) who may:

- a) Recommend mediation;
- b) Make a decision;
- c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
- d) Convene the parties to a meeting, either in person or by way of video or teleconference to ask the parties questions and gather additional relevant information.

20. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).

21. The Internal Discipline Chair will inform the Parties of the decision, which will take effect

immediately.

22. Records of all sanctions will be maintained by the Organization.

Request for Reconsideration

23. Where a decision is rendered and no sanction is imposed, the Complainant may contest the decision by submitting a Request for Reconsideration within five (5) days of receiving the decision. In the Request for Reconsideration, the Complainant must provide reasons for their Request for Reconsideration by indicating:

- a) Why the decision is inappropriate;
- b) Summary of evidence that the Complainant will provide to support the Complainant's position; and
- c) What alternative decision, penalty or sanction (if any) would be appropriate.

24. Where a decision is rendered and a sanction is imposed, the Respondent may contest the decision by submitting a Request for Reconsideration within five (5) days of receiving the decision. In the Request for Reconsideration, the Respondent must provide reasons for their Request for Reconsideration by indicating:

- d) Why the decision is inappropriate;
- e) Summary of evidence that the Respondent will provide to support the Respondent's position; and
- f) What alternative decision, penalty or sanction (if any) would be appropriate.

25. Upon receiving the Request for Reconsideration, the Internal Discipline Chair may decide to accept partially or fully, or reject entirely, the Request for Reconsideration

26. If the Internal Discipline Chair changes their original decision, the Internal Discipline Chair will inform the Parties of the revised decision, and any alternative or modified decision will take effect immediately.

27. Where the Internal Discipline Chair rejects the Request for Reconsideration and maintains the original decision, the initial complaint or incident will be handled under Process #2 of this Policy.

PROCESS #2: HANDLED BY CASE MANAGER AND DISCIPLINE PANEL

Case Manager

28. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager must:

- a) Propose the use of alternative dispute resolution techniques;
- b) Appoint a Discipline Panel, if necessary;
- c) Coordinate all administrative aspects of the process and set reasonable timelines for the process;
- d) Provide administrative assistance and logistical support to the Discipline Panel, as necessary; and,
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

29. The Case Manager will, in accordance with procedural fairness, set and follow reasonable timelines and will ensure the matter is heard in a timely fashion.

30. The Case Manager may propose using alternative dispute resolution methods, such as mediation or a negotiated settlement.

31. If the dispute is not resolved using alternative dispute resolution methods, the Case Manager will appoint a Discipline Panel of one (1) person to hear the complaint. Depending on the severity of the

allegations and at the Case Manager's discretion, a Discipline Panel of three (3) people may be appointed. When a three-person Discipline Panel is appointed, the Case Manager will appoint one of the Discipline Panel members to serve as the Chair. **Discipline Panel Members will be free from a conflict of interest and may be internal or external to the Organization.**

32. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
33. The hearing will be governed by the procedures that the Case Manager and Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
 - a) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - b) Copies of any written documents which any of the Parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing.
 - c) The Parties may each engage a representative, advisor, or legal counsel at their own expense.
 - d) The Discipline Panel may request any other individual to participate and give evidence at the hearing.
 - e) The Discipline Panel may allow as evidence at the hearing any oral evidence, document, or other thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate.
 - f) The decision of a three-person Discipline Panel will be made by a majority vote.
34. If the Respondent acknowledges the complaint as alleged and admits to breaching the *Code of Conduct and Ethics*, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the specific purpose of determining an appropriate sanction.
35. If a hearing is scheduled to proceed, the hearing will still proceed even where a Party chooses not to participate in the hearing.
36. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

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

Sanctions

38. In determining appropriate sanction(s), the Internal Discipline Chair or Discipline Panel, as applicable, will consider relevant factors, including:
 - a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;

- c) The ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of the Organization;
- f) Real or perceived impact of the incident on the Complainant, the organization or the community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

39. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.

40. The Internal Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanction(s), singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations.
- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*.
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time.
- d) **Suspension** - Suspension, either for a set time or until further notice, from membership or from participation, in any capacity, in any program, practice, activity, event, or programs sponsored by, organized by, or under the auspices of The Organization. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
- f) **Permanent Ineligibility and/or suspension** - Permanent membership suspension or permanent ineligibility to participate, in any capacity, in any program, activity, event, or programs sponsored by, organized by, or under the auspices of the Organization.
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

41. The Internal Discipline Chair or Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility and/or permanent membership suspension.
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.

- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.
42. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from membership and participating with the Organization. *Criminal Code* offences may include, but are not limited to:
- a) Any person pornography offences
 - b) Any sexual offences
 - c) Any offence of physical violence
 - d) Any offence of assault
 - e) Any offence involving trafficking of illegal drugs
43. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
44. Records of all decisions will be maintained by the Organization.

Appeals

45. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

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

Confidentiality

47. The discipline and complaints process is confidential and involves only the Organization, the Parties, the Case Manager, the Internal Discipline Chair, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated, the Parties are prohibited from disclosing confidential information relating to the complaint to any person not involved in the proceedings, unless required to do so by law.
48. Any failure to respect this confidentiality requirement may result in discipline or sanctions by the Internal Discipline Chair or Discipline Panel (as applicable).

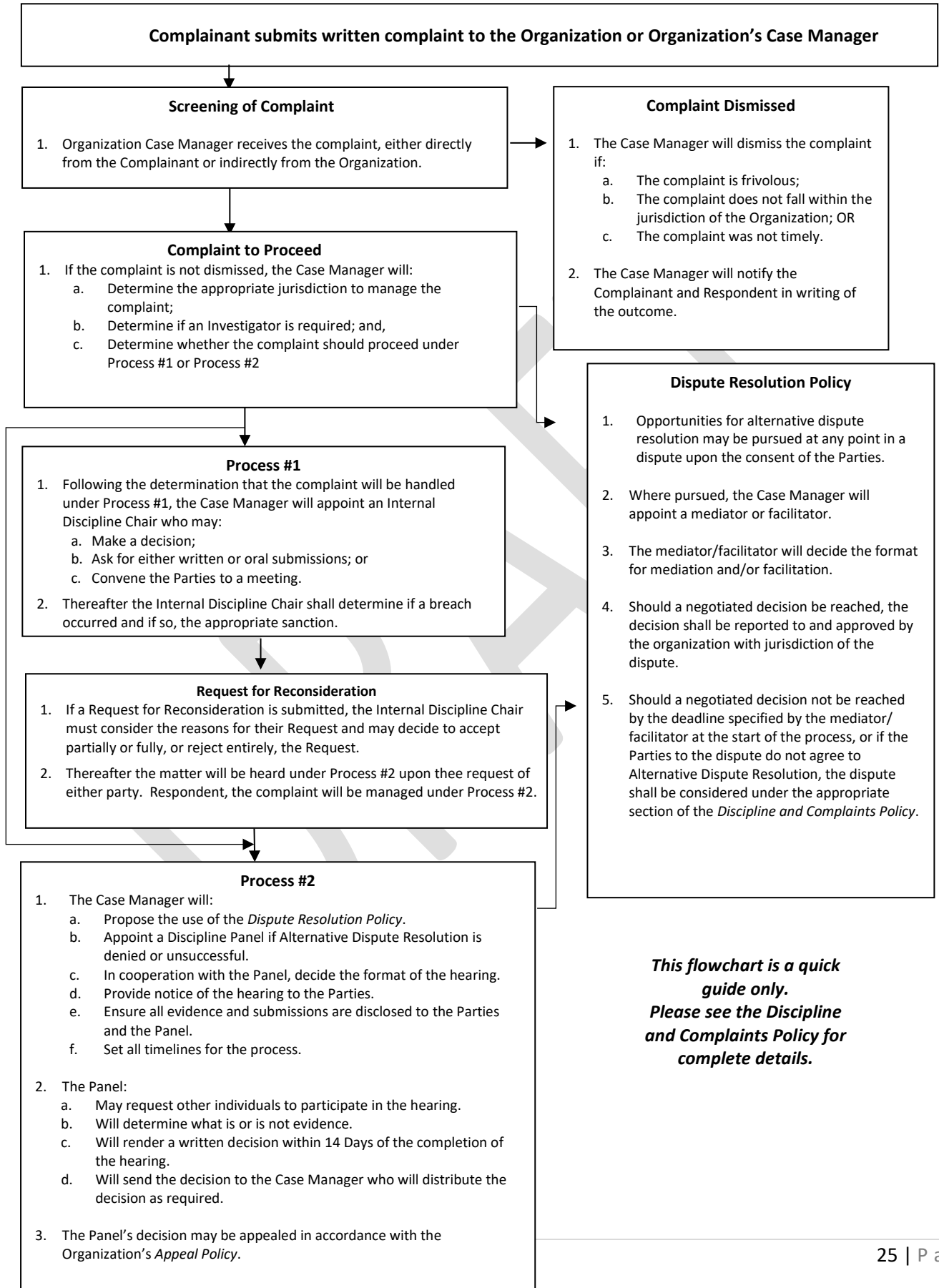
Timelines

49. To allow for a timely resolution of the complaint and where the circumstances warrant, the Case Manager may direct that the timelines established for the discipline and complaints process be revised, provided that procedural fairness is respected.

Records and Distribution of Decisions

50. Other individuals or organizations, including but not limited to, Regional Committee's, other organization the participant is a member of and snow schools, may be advised of any decisions rendered in accordance with this Policy.

Appendix A – Discipline and Complaints Policy Flowchart



Appendix B – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

Investigation

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

Investigator's Report

5. Upon completion of their investigation, the Investigator must prepare a report that should include a summary of evidence from the Parties (including the statement of facts from each Party, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* has occurred.
6. The Investigator must be aware that specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or programs and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization and the relevant organization (if applicable).
8. Should the Investigator find the complaint involves possible offences under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and the Organization to refer the matter to police.
9. The Investigator must also inform the Organization of any findings of criminal activity. The Organization may decide whether to report such findings to police. In any case, the Organization is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization, or other offences where the lack of reporting would bring the Organization into disrepute.

Reprisal and Retaliation

10. A Participant who submits a complaint to the Organization or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

11. A Participant who submits allegations that the Investigator determines to be malicious, vexatious, or for the purpose of retribution, retaliation, or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The Organization or the Participant against whom the allegations were submitted, may act as the Complainant.

Confidentiality

12. The Investigator will make reasonable efforts to preserve the anonymity of the Complainant, Respondent, and any other party. However, the Organization recognizes that maintaining full anonymity during an investigation may not be feasible or may request the permission of an individual to disclose their identity.

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DISPUTE RESOLUTION POLICY

THIS DOCUMENT IS PART OF THE SAFE SPORT POLICY MANUAL, WHICH INCLUDES DEFINITION OF TERMS USED IN THIS POLICY

Purpose

1. The Organization supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. The Organization encourages Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. The Organization believes that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated settlements to disputes with and among Participants are strongly encouraged.

Application of this Policy

3. This Policy applies to Participants.
4. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

5. If the Parties to a dispute agree to ADR, a mediator or facilitator, acceptable to the Parties, shall be appointed to mediate or facilitate the dispute.
6. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
7. Should a negotiated settlement be reached, the settlement shall be reported to the Organization for approval. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending approval.
8. Should a negotiated settlement not be reached by any deadline set by the mediator or facilitator, or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final and Binding

9. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.

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APPEAL POLICY

THIS DOCUMENT IS PART OF THE SAFE SPORT POLICY MANUAL, WHICH INCLUDES DEFINITION OF TERMS USED IN THIS POLICY

Purpose

1. This *Appeal Policy* provides Participants with a fair and expedient appeal process.

Scope and Application of this Policy

2. This Policy applies to all Participants.
3. Any Participant who is directly affected by a decision made by the Organization shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.
4. This Policy **will apply** to decisions relating to discipline.
5. This Policy **will not apply** to decisions relating to decisions made under this Policy

Timing of Appeal

6. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following:
 - a) Notice of the intention to appeal
 - b) Their contact information
 - c) Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
 - d) Date the Appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of decision if written document is not available
 - f) Grounds for the appeal
 - g) Detailed reasons for the appeal
 - h) All evidence that supports these grounds
 - i) Requested remedy or remedies
 - j) An administration fee of two-hundred and fifty dollars (\$250), which will be refunded if the appeal is upheld
7. A Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Submitting an Appeal

8. Appeals of decisions made by the Organization can be submitted to Sport Law Inc. at hello@sportlaw.ca to be addressed pursuant to this Policy.

Grounds for Appeal

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

- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
- b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
- c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)

Screening of Appeal

10. The Parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*.
11. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
12. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, the Sport Law Inc. will appoint an Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
 - a) To determine if the appeal falls under the scope of this Policy
 - b) To determine if the appeal was submitted in a timely manner
 - c) To decide whether there are sufficient grounds for the appeal
13. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
14. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

Determination of Affected Parties

16. To confirm the identification of any Affected Parties, the Appeal Manager will engage the Organization. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

15. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
16. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
17. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances. The following guidelines will apply to the hearing:
 - a) The hearing will be held within a timeline determined by the Appeal Manager
 - b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
 - c) Copies of any written documents which any of the Parties wishes to have the Panel consider will be provided to all Parties in advance of the hearing
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense

- e) The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
- f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become an Affected Party to the appeal in question and will be bound by its outcome
- h) The decision to uphold or reject the appeal will be by a majority vote of Panel members

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

Appeal Decision

- 19. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the **Grounds for Appeal** section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.
- 20. The Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing’s conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
 - a) Reject the appeal and confirm the decision being appealed;
 - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - c) Uphold the appeal and vary the decision.
- 21. The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties’ respective financial resources.
- 22. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and the Organization. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing’s conclusion, with the full written decision to be issued thereafter. **The decision will be considered a matter of public record unless decided otherwise by the Panel.**

Timelines

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

Confidentiality

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

Final and Binding

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

Policy History	
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Next Review Date	

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