

**SKI NOVA SCOTIA**  
**SAFE SPORT POLICY MANUAL**  
**STATEMENT ON SAFE SPORT**

Ski Nova Scotia has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Nova Scotia alpine ski community.

Ski Nova Scotia takes any situation involving misconduct or maltreatment very seriously. For this reason, Ski Nova Scotia is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

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

Should any individuals involved with Ski Nova Scotia, including but not limited to Athletes, coaches, officials, volunteers, and parents/guardians of Athletes wish to report any instance of misconduct or maltreatment, they may do so directly to Ski Nova Scotia which will then determine the appropriate forum and manner to address the complaint.

Ski Nova Scotia also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Although only National organizations are required to integrate the UCCMS into their policies, Ski Nova Scotia recognizes the benefits of aligning its policies with the National standard.

Ski Nova Scotia makes the following commitments to a sport environment free from Maltreatment:

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

- h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, Participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices

Since the UCCMS may continue to evolve in the foreseeable future, this Safe Sport Policy Manual incorporates the key elements of the current version of the UCCMS as follows:

<b>UCCMS v. 5.1 Section</b>	<b>Safe Sport Manual</b>
General Principles (Section 1.2)	Discipline and Complaints Policy (Section 2)
Consensus Statements (Section 1.3)	Statement on Safe Sport
Definitions (related to conduct)	Definitions – Conduct
Definitions (unrelated to conduct)	Definitions – Policy
Scope and Application 2.12	Code of Conduct (Section 4) Discipline and Complaints Policy (Section 6)
Scope and Application 2.13	Code of Conduct (Section 10(a))
Scope and Application 2.14	Code of Conduct (Sections 7 – 8)
Scope and Application 2.15	Code of Conduct (Section 9)
Scope and Application 2.16	Investigation Procedure (Section 6)
Maltreatment 2.2	Definitions – Conduct
Retaliation 2.2.6.1.2	Investigation Procedure (Section 10)
Sanctions 3.1	Discipline and Complaints Policy (Section 36)
Considerations 3.2	Discipline and Complaints Policy (Sections 34 – 35)
Presumptive Sanctions 3.3	Discipline and Complaints Policy (Section 37)
Public Disclosure 3.4	Discipline and Complaints Policy (Section 47)

## TABLE OF CONTENTS

Statement on Safe Sport.....	1
Athlete Protection Policy .....	4
Code of Conduct and Ethics .....	9
Discipline and Complaints Policy .....	16
Appendix A – Investigation Procedure .....	24
Dispute Resolution Policy .....	26
Appeal Policy .....	27
Event Discipline Policy .....	<b>Error! Bookmark not defined.</b>
Social Media Policy .....	32
Screening Policy .....	<b>Error! Bookmark not defined.</b>
Appendix A – Screening Requirements Matrix .....	<b>Error! Bookmark not defined.</b>
Appendix B – Application Form .....	<b>Error! Bookmark not defined.</b>
Appendix C – Screening Disclosure Form.....	<b>Error! Bookmark not defined.</b>
Appendix D – Screening Renewal Form .....	<b>Error! Bookmark not defined.</b>
Appendix E – Orientation and Training Acknowledgement Form.....	<b>Error! Bookmark not defined.</b>
Appendix F – Request For Vulnerable Sector Check .....	<b>Error! Bookmark not defined.</b>
Reciprocation Policy .....	<b>Error! Bookmark not defined.</b>
Risk Management Policy .....	<b>Error! Bookmark not defined.</b>
Definitions – Conduct.....	37
Definitions – Policy .....	45

<u>Policy Title</u>	<u>Date of Last Approval</u>	<u>Date of Next Review</u>
Athlete Protection	June 2, 2022	2027
Code of Conduct and Ethics	June 2, 2022	2027
Discipline and Complaints	June 2, 2022	2027
Dispute Resolution	June 2, 2022	2027
Appeal	June 2, 2022	2027
Event Discipline	June 2, 2022	2027
Social Media	June 2, 2022	2027
Screening	June 2, 2022	2027
Reciprocation	June 2, 2022	2027
Risk Management	June 2, 2022	2027

## ATHLETE PROTECTION POLICY

### **Purpose**

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

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

2. For interactions between Persons and Authority and Athletes, Ski Nova Scotia strongly recommends the ‘Rule of Two’ for all Persons in Authority who interact with athletes. The ‘Rule of Two’ is a directive that says that an athlete must never be alone one-on-one with an unrelated Person in Authority.
3. Ski Nova Scotia recognizes that fully implementing the ‘Rule of Two’ may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) The training environment should be open and transparent so that all interactions between Persons in Authority and Athletes are observable;
  - b) Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete;
  - c) Persons in Authority shall not invite or have an unrelated Vulnerable Participant (or Vulnerable Participants) in their home without the written permission and contemporaneous knowledge of the Vulnerable Participant’s parent or guardian; and
  - d) Vulnerable Participants must not be in any situation where they are alone with an unrelated Person in Authority without another screened adult or Athlete present unless prior written permission is obtained from the Vulnerable Participant’s parent or guardian

### **Practices and Competitions**

4. For practices and competitions, Ski Nova Scotia recommends:
  - a) A Person in Authority should never be alone with a Vulnerable Participant prior to or following a competition or practice unless the Person in Authority is the Vulnerable Participant’s parent or guardian;
  - b) If the Vulnerable Participant is the first Athlete to arrive, the Athlete’s parent should remain until another Athlete or Person in Authority arrives;
  - c) If a Vulnerable Participant would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant;

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

## **Communications**

5. For communication between Persons in Authority and Athletes, Ski Nova Scotia recommends:

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

## **Travel**

6. For travel involving Persons in Authority and Athletes, Ski Nova Scotia recommends:

- a) Teams or groups of Athlete shall always have at least two Persons in Authority with them;
- b) For mixed gender teams or groups of Athletes, there should be one Person in Authority from each gender;
- c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present;

- d) No Person in Authority may drive a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian;
- e) A Person in Authority may not share a room or be alone in a hotel room with an Athlete unless the Person in Authority is the Athlete's parent/guardian or spouse;
- f) Room or bed checks during overnight stays must be done by two Persons in Authority; and
- g) For overnight travel when Athletes must share a hotel room, roommates will be age-appropriate (e.g., within two years of age of one another) and of the same gender identity.

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

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

### **Photography / Video**

8. For all photography and video of an Athlete, Ski Nova Scotia recommends:
- a) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete;
  - b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited;
  - c) Examples of photos that shall be edited or deleted include:
    - i. Images with misplaced apparel or where undergarments are showing
    - ii. Suggestive or provocative poses
    - iii. Embarrassing images
  - d) If any photographs or videos will be used on any form of public media, an Image Consent Form (**Appendix A**) must be completed before any images are taken and used.

### **Physical Contact**

9. Some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. For physical contact, Ski Nova Scotia recommends:

- a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that they are requesting to touch the Athlete and not requiring physical contact;
- b) Infrequent, non-intentional physical contact during a training session is permitted; and
- c) Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as celebrating or crying after a poor performance), but this physical contact should always be limited to circumstances where the Person in Authority believes it is in the best interest of the Athlete and when it occurs in an open and observable environment.

**Enforcement**

10. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to the *Discipline and Complaints Policy*.

**Appendix A – Image Consent Form**

Name of Participant (print): \_\_\_\_\_

- 1. I hereby grant to Ski Nova Scotia the permission to photograph and/or record the Participant’s image and/or voice on still or motion picture film and/or audio tape (collectively the “Images”), and to use the Images to promote the sport and/or Ski Nova Scotia through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity.
- 2. I hereby fully release, discharge, and agree to save harmless Ski Nova Scotia, for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriation of personality or invasion of privacy.
- 3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signature of Participant: \_\_\_\_\_

**OR**, if the Participant is younger than the age of majority

Signature of Parent/Guardian: \_\_\_\_\_

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



## CODE OF CONDUCT AND ETHICS

\* Indicates a section that has been adapted from the UCCMS

### **Purpose**

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of Ski Nova Scotia by making Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with Ski Nova Scotia's core values and policies. Ski Nova Scotia supports equal opportunity, prohibits discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

### **Application of this Code**

2. This Code applies to any Participant's conduct during the business, activities, and events of Ski Nova Scotia including, but not limited to competitions, practices, evaluations, treatment or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.
3. This Code also applies to Participants' conduct outside of the business, activities, and events of Ski Nova Scotia when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of Ski Nova Scotia. Such applicability will be determined by Ski Nova Scotia at its sole discretion.
4. \*This Code applies to Participants active in the sport and those who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Participant was active in the sport.
5. In addition, breaches of this Code may occur 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).
6. 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 competition may be removed from the competition or training area, and the Participant may be subject to further sanctions.

### **Persons in Authority and Maltreatment**

7. \*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.
8. \*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) Within a sport environment;
  - b) When the Participant alleged to have committed Maltreatment was engaging in sport activities;
  - c) When the Participants involved interacted due to their mutual involvement in sport; or
  - d) Outside of the sport environment where the Maltreatment has a serious and detrimental impact on another Participant.
9. \*It is a violation of the Code for sport administrators or other Persons in Authority to place Participants in situations that make them vulnerable to Maltreatment. This includes, but is not limited to, instructing an Athlete and 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 a para-Athlete when the guide or support staff has a reputation for Maltreatment or assigning such a guide or support staff to a para-Athlete in the absence of consultation with the para-Athlete.

## **Responsibilities**

10. Participants have a responsibility to:

- a) \*Refrain from any behaviour that constitutes Maltreatment, Discrimination, Harassment, Workplace Harassment, or Workplace Violence;
- b) Maintain and enhance the dignity and self-esteem of other Participants by:
  - i. Treating each other with the highest standards of respect and integrity;
  - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other Participants;
  - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
  - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
  - v. Consistently treating individuals fairly and reasonably; and
  - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- c) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force. More specifically, Ski Nova Scotia adopts and adheres to the Canadian Anti-Doping Program. Ski Nova Scotia will respect any sanction imposed on a Participant as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules;
- d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules;
- e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
- f) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of Ski Nova Scotia;
- g) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or event;

- h) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the events of Ski Nova Scotia (subject to any requirements for accommodation), not consume alcohol during training, competitions, or in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations;
- i) When driving a vehicle:
  - i. Have a valid driver's license;
  - ii. Not be under the influence of alcohol or illegal drugs or substances;
  - iii. Have valid car insurance; and
  - iv. Refrain from holding a mobile device.
- j) Respect the property of others and not wilfully cause damage;
- k) Promote sport in the most constructive and positive manner possible;
- l) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a para-classification, competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition;
- m) Adhere to all federal, provincial/territorial, municipal and host country laws;
- n) Comply, at all times, with the By-laws, policies, procedures, and rules and regulations of Ski Nova Scotia as adopted and amended from time to time;
- o) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to Ski Nova Scotia, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method.

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

11. In addition to section 10 (above), Directors, Committee Members, and staff of Ski Nova Scotia will have additional responsibilities to:
- a) Function primarily as a Director or Committee Member or staff member of Ski Nova Scotia and not as a member of any other organization or constituency;
  - b) Ensure their loyalty prioritizes the interests of Ski Nova Scotia;
  - c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
  - d) Comply with the *Screening Policy*;
  - e) Conduct themselves openly, professionally, lawfully and in good faith;
  - f) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism;
  - g) Behave with decorum appropriate to both circumstance and position;

- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws;
- i) Respect the confidentiality appropriate to issues of a sensitive nature;
- j) Respect the decisions of the majority and resign if unable to do so;
- k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings;
- l) Have a thorough knowledge and understanding of all governance documents.

### **Coaches and Instructors**

12. In addition to section 10 (above), coaches and instructors 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, either consciously or unconsciously. Coaches and instructors will:

- a) \*Avoid any behaviour that abuses the Power Imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an Athlete that they are coaching, or (ii) encourage inappropriate physical or emotional intimacy with an Athlete, regardless of the Athlete's age;
- b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes;
- c) Prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes;
- d) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments;
- e) Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs;
- f) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate;
- g) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete;
- h) Act in the best interest of the Athlete's development as a whole person;
- i) Comply with the *Screening Policy*;
- j) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions to Ski Nova Scotia, including those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method;

- k) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of Minors, alcohol, cannabis, and/or tobacco;
- l) Respect 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
- m) Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority;
- n) Disclose any sexual or intimate relationship with an athlete over the age of majority to Ski Nova Scotia;
- o) 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;
- p) Dress professionally;
- q) Use inoffensive language, taking into account the audience being addressed.

### **Athletes**

13. In addition to section 10 (above), Athletes will have additional responsibilities to:

- a) Adhere to their Athlete Agreement (if applicable);
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- c) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations;
- d) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason;
- e) Adhere to any rules and requirements regarding clothing and equipment;
- f) Dress to represent the sport and themselves with professionalism;
- g) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers.

### **Officials**

14. In addition to section 10 (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes;
- b) Not publicly criticize other officials;
- c) Work within the boundaries of their position's description while supporting the work of other officials;
- d) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations;
- e) Take ownership of actions and decisions made while officiating;
- f) Respect the rights, dignity, and worth of all Participants;
- 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 discipline processes, appeals, and specific information or data about Participants;
- j) Comply with the *Screening Policy*;
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or Ski Nova Scotia at the earliest possible time;
- l) When writing reports, set out the actual facts to the best of their knowledge and recollection;
- m) Dress in proper attire for officiating.

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

15. In addition to section 10 (above), parents/guardians and spectators at events will:

- a) Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence;
- b) Condemn the use of violence in any form ;
- c) Never ridicule a participant for making a mistake during a competition or practice;
- d) Respect the decisions and judgments of officials, and encourage Athletes to do the same;
- e) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm;
- f) Respect and show appreciation to all competitors, and to coaches, officials and other volunteers;
- g) Never harass competitors, coaches, officials, parents/guardians, or other spectators.

### **Clubs**

16. Clubs that are affiliated with Ski Nova Scotia will:

- a) Adhere to all of Ski Nova Scotia's applicable governing documents and, where necessary, amend their own rules to comply or align with those of Ski Nova Scotia;
- b) Pay any required dues and fees by the prescribed deadlines;
- c) Recognize that their websites, blogs and Social Media accounts may be seen as extensions of Ski Nova Scotia and must reflect Ski Nova Scotia's mission, vision and values;
- d) Ensure that all Athletes and coaches participating in sanctioned competitions and events of Ski Nova Scotia are registered and in good standing;
- e) Have well-defined screening procedures in place including interviews, reference checks, and application forms to ensure Athletes have a healthy and safe sport environment;
- f) Ensure that any possible or actual misconduct is investigated promptly and thoroughly;
- g) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender;
- h) Advise Ski Nova Scotia immediately of any situation where a complainant has publicized a complaint in the media;
- i) Provide Ski Nova Scotia with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals.

## DISCIPLINE AND COMPLAINTS POLICY

\* Indicates a section that has been adapted from the UCCMS

### **Purpose**

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Ski Nova Scotia. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

### **Principles**

2. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
  - c) This Policy and its procedures will be:
    - i. Harmonized (applied to all Participants across the province)
    - ii. Fair (procedural and substantive due process for all Participants)
    - iii. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
    - iv. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
    - v. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
    - vi. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
    - vii. Independent administration (free from all conflicts of interest)

### **Application of this Policy**

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during the business, activities, and events of Ski Nova Scotia including, but not limited to, competitions, practices and training, treatment or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of Ski Nova Scotia, and any meetings.
5. This Policy also applies to Participants’ conduct outside of the business, activities, and events of Ski Nova Scotia when such conduct adversely affects the relationships (or the work and sport environment) of Ski Nova Scotia, is detrimental to the image and reputation of Ski Nova Scotia, or upon the acceptance of Ski Nova Scotia. Accordingly, applicability of this Policy will be determined by Ski Nova Scotia at its sole discretion.



6. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. 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. Applicability of this Policy will be determined by Ski Nova Scotia at its sole discretion and shall not be subject to appeal.
8. In the event that it is considered appropriate or necessary on the basis of 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 competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or event only.
9. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Ski Nova Scotia 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.

### **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, 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 Ski Nova Scotia or to Ski Nova Scotia's Case Manager (when identified). If a Case Manager has not been previously identified, Ski Nova Scotia will appoint an independent Case Manager and direct that person to receive the complaint.
14. At its discretion, Ski Nova Scotia may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Ski Nova Scotia will identify an individual to represent the organization.
15. Complaints or incident reports should be made in writing and the person making the complaint may contact the Case Manager for direction. The Case Manager may accept any report, in writing or not, at their sole discretion.

### **Case Manager Responsibilities**

16. Upon receipt of a complaint, the Case Manager has a responsibility to:
  - a) Determine the appropriate jurisdiction to manage the complaint and consider the following:

- i. Whether the complaint should be handled by Ski Nova Scotia. In making this decision, the Case Manager will consider:
  - a. whether the incident has occurred within the business, activities or events of Ski Nova Scotia; and
  - b. if Ski Nova Scotia 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) Determine whether the complaint is frivolous and/or within 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 A – Investigation Procedure**; and/or
- e) Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

**Process #1** - the Complainant alleges the following incidents:

- a) Disrespectful, abusive, racist, or sexist comments or behaviour
- b) Disrespectful conduct
- c) Minor incidents of violence (e.g., tripping, pushing, elbowing)
- d) Conduct contrary to the values of Ski Nova Scotia
- e) Non-compliance with the organization's policies, procedures, rules, or regulations
- f) Minor violations of the *Code of Conduct and Ethics*, *Social Media Policy*, or *Athlete Protection Policy*

**Process #2** - the Complainant alleges the following incidents:

- a) Repeated minor incidents
- b) Any incident of hazing
- c) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- d) Major incidents of violence (e.g., fighting, attacking, sucker punching)
- e) Pranks, jokes, or other activities that endanger the safety of others
- f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- g) Conduct that intentionally damages the organization's image, credibility, or reputation
- h) Consistent disregard for the bylaws, policies, rules, and regulations
- i) Major or repeated violations of the *Code of Conduct and Ethics*
- j) Intentionally damaging the organization's property or improperly handling the organization's monies
- k) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- l) A conviction for any *Criminal Code* offense
- m) Any possession or use of banned performance enhancing drugs or methods

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

## **Discipline Chair**

17. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a Discipline Chair 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 in order to ask the parties questions.
18. Thereafter, the Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).
19. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
20. Records of all sanctions will be maintained by Ski Nova Scotia.

## **Request for Reconsideration**

21. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
22. If there is a sanction, the sanction may not be appealed until the completion of a Request for Reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate.
23. Upon receiving a request for reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
24. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
25. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

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

## Case Manager

26. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
- a) Propose the use of alternative dispute resolution techniques;
  - b) Appoint the Discipline Panel, if necessary;
  - c) Coordinate all administrative aspects and set timelines;
  - d) Provide administrative assistance and logistical support to the Discipline Panel as required; and
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
27. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. The Case Manager may propose using alternative dispute resolution with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to attempt alternative dispute resolution (such as mediation or a negotiated settlement) the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three people may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
29. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium;
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing;
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense;
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing;
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate; and

f) The decision will be by a majority vote of the Discipline Panel.

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

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

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

### **Decision**

33. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, and to Ski Nova Scotia. 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**

34. \*Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:

- 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 Ski Nova Scotia;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

35. \*Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
36. \*The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice 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 participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Ski Nova Scotia. 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** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Ski Nova Scotia;
  - 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.
37. \*The 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;
  - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to 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.
38. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with Ski Nova Scotia. *Criminal Code* offences may include, but are not limited to:

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

39. 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.
40. Records of all decisions will be maintained by Ski Nova Scotia.

### **Appeals**

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

### **Suspension Pending a Hearing**

42. Ski Nova Scotia 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**

43. The discipline and complaints process is confidential and involves only Ski Nova Scotia, the parties, the Case Manager, the Discipline Chair, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.
44. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

### **Timelines**

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

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

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

47. \*Ski Nova Scotia recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

## **Appendix A – Investigation Procedure**

\* Indicates a section that has been adapted from the UCCMS

### **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. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or provincial 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 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 shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. \*The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition 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 Ski Nova Scotia.
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and Ski Nova Scotia to refer the matter to police.
9. The Investigator must also inform Ski Nova Scotia of any findings of criminal activity. Ski Nova Scotia may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Ski Nova Scotia, or other offences where the lack of reporting would bring Ski Nova Scotia into disrepute.

### **Reprisal and Retaliation**

10. \*A Participant who submits a complaint to Ski Nova Scotia or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute 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, false, 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. Ski Nova Scotia or the Participant against whom the allegations were submitted, may act as the Complainant.

### **Confidentiality**

12. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Ski Nova Scotia recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

## DISPUTE RESOLUTION POLICY

### Purpose

1. Ski Nova Scotia 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. Ski Nova Scotia encourages all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Ski Nova Scotia believes that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

### Application of this Policy

3. This Policy applies to all 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 all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all 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 Ski Nova Scotia. 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 the deadline specified by the mediator or facilitator at the start of the process (if set), 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.

## APPEAL 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 Ski Nova Scotia shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility;
  - b) Selection;
  - c) Conflict of Interest;
  - d) Discipline; and
  - e) Membership
5. This Policy **will not apply** to decisions relating to:
  - a) Employment;
  - b) Infractions for doping offenses;
  - c) The rules of the sport;
  - d) Selection criteria, quotas, policies, and procedures established by entities other than Ski Nova Scotia;

- e) Substance, content and establishment of team selection or carding criteria;
- f) Volunteer/coach appointments and the withdrawal or termination of those appointments;
- g) Budgeting and budget implementation;
- h) The organization's operational structure and committee appointments;
- i) Decisions or discipline arising within the business, activities, or events organized by entities other than Ski Nova Scotia (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion);
- j) Commercial matters for which another appeals process exists under a contract or applicable law; and
- k) 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; and
  - 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 Ski Nova Scotia can be submitted to Ski Nova Scotia to be heard pursuant to this Policy.
- 9. Appeals of decisions made by Clubs affiliated with Ski Nova Scotia can be submitted to Ski Nova Scotia to be heard pursuant to this Policy.

### **Grounds for Appeal**

10. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents);
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views);
  - d) Made a decision that was patently unreasonable.

### **Screening of Appeal**

- 11. The parties may first attempt to resolve the appeal through the *Dispute Resolution Policy*.
- 12. Appeals resolved under the *Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.

13. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Ski Nova Scotia will appoint an independent 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; and
  - c) To decide whether there are sufficient grounds for the appeal.
14. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
15. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

#### **Determination of Affected Parties**

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

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

17. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
18. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
19. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances, provided that:
  - 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 the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
- d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
- e) The Panel may request that any other individual participate and give evidence at 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; and
- h) The decision to uphold or reject the appeal will be by a majority vote of Panel members.

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

### **Appeal Decision**

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

24. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and Ski Nova Scotia. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Timelines**

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

### **Confidentiality**

26. 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**

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

<b>SOCIAL MEDIA POLICY</b>
----------------------------

### **Preamble**

1. Ski Nova Scotia is aware that Participant interaction and communication occurs frequently on social media. Ski Nova Scotia cautions Participants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

### **Application of this Policy**



2. This Policy applies to all Participants.

### **Conduct and Behaviour**

3. Per the *Discipline and Complaints Policy* and *Code of Conduct and Ethics*, the following Social Media conduct may be considered minor or major infractions at the discretion of the Discipline Chair or Independent Case Manager:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at a Participant, at Ski Nova Scotia, or at other individuals connected with Ski Nova Scotia;
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, embarrassing, suggestive, provocative, or otherwise offensive, and that is directed at a Participant, at Ski Nova Scotia or at other individuals connected with Ski Nova Scotia;
  - c) Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Ski Nova Scotia or its stakeholders or reputation;
  - d) Any instance of cyber-bullying or cyber-harassment between one Participant and another Participant (including a teammate, coach, opponent, volunteer, or official), where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
4. All conduct and behaviour occurring on Social Media may be subject to the *Discipline and Complaints Policy*.

### **Participants Responsibilities**

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

### **Ski Nova Scotia Responsibilities**

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

## **Guidelines**

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

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

14. Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:
  - a) With Minor Athletes, ensure that parents/guardians are aware if some interactions may take place on Social Media and the context for those interactions, and give parents/guardians the option to prohibit or restrict communication in this space
  - b) Attempt to make communication with Athletes in Social Media as one-sided as possible. Be available for Athletes if they initiate contact – Athletes may wish to have this easy and quick access to you – but avoid imposing yourself into an Athlete's personal Social Media space
  - c) Ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways
  - d) Choosing not to engage with Social Media is an acceptable strategy. Be prepared to inform Athletes (and/or parents/guardians) why you will not engage in this space and explain which media you will use to communicate with them
  - e) Athletes will search for your Social Media accounts. Be prepared for how you will respond when an Athlete attempts to interact with you on Social Media
  - f) Annually review and update the privacy settings on all your Social Media accounts
  - g) Consider monitoring or being generally aware of Athletes' public Social Media behaviour to ensure compliance with *Code of Conduct and Ethics* and this Policy
  - h) Never demand access to an Athlete's private posts on Twitter, Instagram, or Facebook
  - i) Do not send friend requests to Athletes. Never pressure Athletes to send you a friend request or follow your Social Media accounts
  - j) If you accept a friend request from one Athlete, you should accept these requests from all Athletes. Be careful not to show favouritism on Social Media
  - k) Consider managing your Social Media so that Athletes do not have the option to follow you on Twitter or send you a friend request on Facebook
  - l) Do not identify Minor Athletes on publicly available Social Media
  - m) Seek permission from adult Athletes before identifying them on publicly available Social Media
  - n) Avoid adding Athletes to Snapchat and do not send snapchats to Athletes
  - o) Do not post pictures or videos of Minor Athletes on your private Social Media accounts

- p) Do not use Social Media to ‘trap’ Athletes if they say one thing to you in person but their Social Media activity reveals they were doing something different
- q) Be aware that you may acquire information about an Athlete that imposes an obligation of disclosure on your part (such as seeing pictures of underage Athletes drinking during a trip)
- r) If selection decisions and other official team business are announced on Social Media, ensure they are also posted on a less-social medium like a website or distributed via email
- s) Never require Athletes to join Facebook, join a Facebook group, subscribe to a Twitter feed, or join a Facebook page about your team or organization
- t) If you create a page on Facebook or Instagram for your team or Athlete, do not make this Social Media site the exclusive location for important information. Duplicate important information in less-social channels (like on a website or via email)
- u) Exercise appropriate discretion when using Social Media for your own personal communications (with friends, colleagues, and other Persons in Authority) with the knowledge that your behaviour may be used as a model by Athletes
- v) Avoid association with Facebook groups, Instagram accounts, or Twitter feeds with explicit sexual conduct or viewpoints that might offend or compromise your relationship with an Athlete
- w) Never misrepresent yourself by using a fake name or fake profile

**Social Media Guidelines for Athletes**

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

Policy History	
Approved	
Next Review Date	



## DEFINITIONS – CONDUCT

*The terms defined below apply to all policies included in this Safe Sport Manual*

\* Indicates a definition adapted from the UCCMS

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; child seems to always be expecting something bad to happen
  - c) Often wears clothing that covers up their skin, even in warm weather
  - d) Child startles easily, shies away from touch or shows other skittish behaviour
  - e) Constantly seems fearful or anxious about doing something wrong
  - f) Withdrawn from peers and adults
  - g) Behavior fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
  - h) Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
  - i) Acting out in an inappropriate sexual way with toys or objects
  - j) New adult words for body parts and no obvious source
  - k) Self-harm (e.g., cutting, burning or other harmful activities)
  - l) Not wanting to be alone with a particular child or young person
2. **\*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 19 years when the other person is in a position of trust or authority.
3. **\*Disclosure** - The sharing of information by a Participant regarding an incident or a pattern of Maltreatment experienced by that Participant. Disclosure does not constitute a formal report that initiates a process of investigation to address the Maltreatment.
4. **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.
5. **\*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 child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child 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 child Maltreatment by law. Known or suspected abuse or Neglect of a child must be reported to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial social service ministries or departments, or local police.
  - b) **Concerns Outside of Child Protection Legislation:** Participants have a duty to report concerns of inappropriate conduct of other Participants to uphold the ethical standards and values of Canadian sport. 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.
6. **\*Grooming** – Deliberate conduct by a Participant to sexualize a relationship with a Minor 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 Minor and protective adults and peers around the Minor 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 Minor in order to abuse or exploit the Minor. 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).
7. **Harassment** – A course of vexatious comment 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) Persistent 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** – 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;
  - 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) Persistent sexual flirtations, advances, requests, or invitations;
  - k) Physical or sexual assault;
  - l) Contributing to a *poisoned sport environment*, which can include:

- a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
  - b. Groups where harassing behaviour is part of the normal course of activities
  - c. 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 Ski Nova Scotia.

8. \***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 sport and non-sport 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 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.
- 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 Athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a Participant under the legal drinking age; 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 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:
    - i. vaginal penetration by a penis, object, tongue, or finger; and
    - ii. 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:
    - i. kissing;
    - ii. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
    - iii. any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
    - iv. making another touch themselves, the Participant, or someone else with or on any of the body parts listed in ii); and
    - v. any intentional touching in a sexualized manner of the relationship, context or situation.
  - iii. In addition to the criminal acts identified above, the UCCMS prohibits sexual relations between an Athlete 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 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 (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.
- e) *Grooming* – is often a slow, gradual and escalating process of building trust and comfort with a young 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; 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. 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 adults around the young person. The offender establishes a friendship and gains the young 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 young 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 young person so that the relationship with the young person is not questioned.
- f) *Interference with or Manipulation of Process* – it is considered maltreatment if an adult 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 Ski Nova Scotia;
  - iv. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of Ski Nova Scotia;
  - 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;
  - viii. influencing or attempting to influence another person to interfere with or manipulate the process;
  - ix. Retaliation – which 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 Ski Nova Scotia. 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;

- x. Aiding and Abetting – which 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 sport or to coach or instruct Participants;
  - ii. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
  - iii. allowing any person to violate the terms of their suspension or any other sanctions imposed.
  
- g) *Reporting* – it is considered Maltreatment to fail to report Maltreatment of a Minor. A legal Duty to Report is mandated by law, and the requirement varies by province depending on provincial legislation.
  - i. Failure to Report Maltreatment of a Minor
    - i. The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant. 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 an adult Participant becomes aware.
    - ii. The obligation to Report includes making a direct Report.
    - iii. The obligation to Report includes personally identifying information of a potential Minor 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 at a later time.
    - iv. 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
    - i. 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
    - i. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur.
    - ii. 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.

9. **\*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).
10. **\*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).
11. **\*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 an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. Maltreatment occurs when this power is misused. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates or until the Athlete 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).
12. **\*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).
13. **\*Sexual Maltreatment**
  - a) **Involving a Child:** 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)

14. *Workplace Harassment* – As defined in the *Workplace Violence and Harassment Policy*

15. *Workplace Violence* – As defined in the *Workplace Violence and Harassment Policy*

## DEFINITIONS – POLICY

*The terms defined below apply to all policies included in this Safe Sport Manual*

\* Indicates a definition adapted from the UCCMS

1. **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.
2. **Appellant** – The Party appealing a decision.
3. **Appeal Manager** – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*.
4. **\*Athlete** – An individual who is an Athlete Participant in Ski Nova Scotia who is subject to the policies of Ski Nova Scotia.
5. **Board** – The Board of Directors of Ski Nova Scotia.
6. **Case Manager** – An independent individual (or individuals) appointed by Ski Nova Scotia to receive and administer complaints under the *Discipline and Complaints Policy*.
7. **Committee Member** – an individual elected or appointed to a committee as a member of a committee of Ski Nova Scotia.
8. **\*Complainant** – A Participant or observer who makes a report of 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. **Days** – Days including weekends and holidays.
10. **Director** – An individual appointed or elected to the Board of Directors of Ski Nova Scotia.
11. **Discipline Chair** – an individual appointed to handle the duties of the Discipline Chair as described in the *Discipline and Complaints Policy*.
12. **Event** – An event sanctioned by Ski Nova Scotia.
13. **\*Minor** – Any Participant who is under the age of 19. Adults are responsible for knowing the age of a Minor.
14. **\*Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of Ski Nova Scotia who are subject to the policies of Ski Nova Scotia, as well as all people employed by, contracted by, or engaged in activities with, Ski Nova Scotia including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.

15. **Parties** – the groups involved with a dispute. 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.
16. **Person(s) in Authority** – Any Participant who holds a position of authority within Ski Nova Scotia including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
17. **\*Reporting (or Report)** – The provision of information in writing by any person or a Participant to a relevant independent authority (the independent person or position, such as a Case Manager, charged with receiving a report and determining next steps) regarding Maltreatment. 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 independent investigative process, which could result in disciplinary action being taken against the Respondent.
18. **\*Respondent** – The Participant responding to a complaint or, in the case of an appeal, the body whose decision is being appealed.
19. **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.
20. **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).
21. **Worker** – Any person who performs work for Ski Nova Scotia including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors.
22. **Workplace** – As defined in the *Workplace Violence and Harassment Policy*