



**PARACHUTIST**

**INFORMATION**

**MANUAL**

**PART 5**

***Policies & Procedures  
Standards of Integrity***

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# STANDARDS OF INTEGRITY

## CODE OF CONDUCT AND ETHICS

CSPA Board of Directors, committees, officials, staff and volunteers will adhere to these ethical principles and standards in carrying out their duties and promoting the sport of parachuting.

All CSPA Members and Registered Participants are expected to abide by the policies in all PIMs. The Board reserves the right to investigate any breach in conduct (ex. Unwelcomed behavior, abuse of authority, etc.) and act accordingly.

### **Definitions**

(1) The following terms have these meanings in this Code:

- (a) “*Individuals*” – Individuals employed by, or engaged in activities with, CSPA including, but not limited to, athletes, coaches, conveners, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of CSPA
- (b) “*Workplace*” - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, CSPA’s office, work-related social functions, work assignments outside CSPA’s offices, work-related travel, and work-related conferences or training sessions
- (c) “*Abuse*” – As defined in CSPA’s *Abuse Policy*
- (d) “*Discrimination*” – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
- (e) “*Harassment*” – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - i. Written or verbal abuse, threats, or outbursts;
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
  - iv. Leering or other suggestive or obscene gestures;
  - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - vi. Practical jokes which endanger a person’s safety, or may negatively affect performance;
  - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - ix. Deliberately excluding or socially isolating a person from a group or team;
  - x. Persistent sexual flirtations, advances, requests, or invitations;
  - xi. Physical or sexual assault;
  - xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
  - xiii. Retaliation or threats of retaliation against a person who reports harassment to CSPA.
- (f) “*Workplace Harassment*” – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
  - i. Bullying;
  - ii. Workplace pranks, vandalism, bullying or hazing;
  - iii. Repeated offensive or intimidating phone calls or emails;
  - iv. Inappropriate sexual touching, advances, suggestions or requests;
  - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;

- vi. Psychological abuse;
  - vii. Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings;
  - viii. Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - ix. Sabotaging someone else's work or performance;
  - x. Gossiping or spreading malicious rumours;
  - xi. Intimidating words or conduct (offensive jokes or innuendos); and
  - xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
- (g) "*Sexual Harassment*" – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- i. Sexist jokes;
  - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - iii. Offering a benefit in exchange for a sexual favour;
  - iv. Demanding hugs;
  - v. Bragging about sexual ability;
  - vi. Leering (persistent sexual staring);
  - vii. Sexual assault;
  - viii. Display of sexually offensive material;
  - ix. Distributing sexually explicit messages or attachments such as pictures or video files;
  - x. Sexually degrading words used to describe an Individual;
  - xi. Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;
  - xii. Inquiries or comments about an Individual's sex life;
  - xiii. Persistent, unwanted attention after a consensual relationship ends;
  - xiv. Persistent unwelcome sexual flirtations, advances, or propositions; and
  - xv. Persistent unwanted contact.
- (h) "*Workplace Violence*" – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
- i. Verbal or written threats to attack;
  - ii. Sending to or leaving threatening notes or emails;
  - iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
  - iv. Wielding a weapon in a Workplace;
  - v. Hitting, pinching or unwanted touching which is not accidental;
  - vi. Dangerous or threatening horseplay;
  - vii. Physical restraint or confinement;
  - viii. Blatant or intentional disregard for the safety or wellbeing of others;
  - ix. Blocking normal movement or physical interference, with or without the use of equipment;
  - x. Sexual violence; and
  - xi. Any attempt to engage in the type of conduct outlined above.

## **Purpose**

- (2) The purpose of this Code is to ensure a safe and positive environment (within CSPA's programs, activities, and events) by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with CSPA's core values. CSPA supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

### **Application of this Code**

- (3) This Code applies to Individuals' conduct during CSPA's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with CSPA's activities, CSPA's office environment, and any meetings.
- (4) An Individual who violates this Code may be subject to sanctions pursuant to CSPA's *Discipline and Complaints Policy*. In addition to facing possible sanction pursuant to CSPA's *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, the official may delay the competition until the Individual complies with the ejection, and the Individual may be subject to any additional discipline associated with the particular competition.
- (5) An employee of CSPA found to have engaged in acts of violence or harassment against any other employee, worker, contractor, member, customer, supplier, client or other third-party during business hours, or at any event of CSPA, will be subject to appropriate disciplinary action subject to the terms of CSPA's *Human Resources Policy* as well as the employee's Employment Agreement (if applicable).
- (6) This Code also applies to Individuals' conduct outside of CSPA's business, activities, and events when such conduct adversely affects relationships within CSPA (and its work and sport environment) and is detrimental to the image and reputation of CSPA. Such applicability will be determined by CSPA at its sole discretion.

### **Responsibilities**

- (7) Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of CSPA members and other individuals 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 members;
    - 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.
  - b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, or Discrimination
  - c) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, CSPA adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to CSPA's *Discipline and Complaints Policy*. CSPA will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by CSPA or any other sport organization
  - d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES)
  - e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
  - f) Refrain from consuming tobacco products, or recreational drugs while participating in CSPA's programs, activities, competitions, or events
  - 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 CSPA's events (subject to any requirements for accommodation), not consume alcohol during competitions and in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with CSPA's events
  - i) Respect the property of others and not willfully cause damage
  - j) Promote the sport in the most constructive and positive manner possible
  - k) When driving a vehicle with an Individual:
    - i. Not have his or her license suspended;
    - ii. Not be under the influence of alcohol or illegal drugs or substances; and
    - iii. Have valid car insurance
  - l) Adhere to all federal, provincial, municipal and host country laws

- m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition
- n) Comply, at all times, with CSPA's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

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

- (8) In addition to section 7 (above), CSPA's Directors, Committee Members, and Staff will have additional responsibilities to:
- a) Function primarily as a Director or Committee Member or Staff Member of CSPA; not as a member of any other particular member or constituency
  - b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of CSPA's business and the maintenance of Individuals' confidence
  - c) Ensure that CSPA's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - d) Conduct themselves transparently, professionally, lawfully and in good faith in the best interests of CSPA
  - e) Be independent, impartial, and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
  - f) Behave with decorum appropriate to both circumstance and position
  - g) Keep informed about CSPA's activities, the sport community, and general trends in the sectors in which it operates
  - h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which CSPA is incorporated
  - 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 CSPA governance documents
  - m) Conform to the bylaws and policies approved by CSPA

### **Coaches**

- (9) In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes
  - b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes
  - c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments
  - d) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs
  - e) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
  - f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
  - g) Act in the best interest of the athlete's development as a whole person
  - h) Comply with CSPA's *Screening Policy*, if applicable
  - i) Report to CSPA any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
  - j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol, cannabis, and/or tobacco
  - k) Respect athletes playing with other teams 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
  - l) Not engage in a sexual relationship with an athlete under 18 years old;
  - m) Disclose any sexual or intimate relationship with an athlete over the age of 18 to CSPA and immediately discontinue any coaching involvement with that athlete;

- n) 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
- o) Dress professionally, neatly, and inoffensively
- p) Use inoffensive language, taking into account the audience being addressed

### **Athlete's**

(10) In addition to section 7 (above), athletes will have additional responsibilities to:

- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
- b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
- c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
- d) Adhere to CSPA's rules and requirements regarding clothing and equipment
- e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators
- f) Dress to represent the sport and themselves well and with professionalism
- g) Act in accordance with CSPA's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

(11) In addition to section 7 (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 or any club or association;
- c) Work within the boundaries of their position's description while supporting the work of other officials
- d) Act as an ambassador of CSPA by agreeing to enforce and abide by national and provincial rules and regulations
- e) Take ownership of actions and decisions made while officiating
- f) Respect the rights, dignity, and worth of all individuals
- g) Not publicly criticize other officials or any club or association
- h) Act openly, impartially, professionally, lawfully, and in good faith
- i) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- j) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time
- l) When writing reports, set out the actual facts
- m) Dress in proper attire for officiating

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

(12) In addition to section 7 (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 performance or practice
- d) Provide positive comments that motivate and encourage participants' continued effort
- e) Respect the decisions and judgments of officials, and encourage athletes to do the same
- f) Never question an official's or staff member's judgment or honesty
- g) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- h) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
- i) Not harass competitors, coaches, officials, parents/guardians, or other spectators

# **ABUSE POLICY**

## **Definitions**

- (1) The following terms have these meanings in this Policy:
  - (a) “*Vulnerable Individuals*” – Includes Children / Youth (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);
  - (b) “*Individuals*” – All categories of membership defined in CSPA’s Bylaws, as well as all individuals employed by, or engaged in activities with, CSPA including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of CSPA; and
  - (c) “*Abuse*” – Child/Youth Abuse or Vulnerable Adult Abuse as described in this Policy.

## **Purpose**

- (2) CSPA is committed to a sport environment free from abuse. The purpose of this Policy is to stress the importance of that commitment by educating Individuals about abuse, outlining how CSPA will work to prevent abuse, and how abuse or suspected abuse can be reported to and addressed by CSPA.

## **Zero Tolerance Statement**

- (3) CSPA has zero tolerance for any type of abuse. Individuals are required to report instances of abuse or suspected abuse to CSPA to be immediately addressed under the terms of the applicable policy.

## **Education – What is Abuse**

- (4) Vulnerable Individuals can be abused in different forms.
- (5) The following description of Child / Youth Abuse has been modified and adapted from Ecclesiastical’s *Guidelines for Developing a Safety & Protection Policy for Children / Youth / Vulnerable Adults* [1]:

### *Child / Youth Abuse*

- (6) “Child abuse” refers to the violence, mistreatment or neglect that a child or adolescent may experience while in the care of someone they depend on or trust. There are many different forms of abuse and a child may be subjected to more than one form:
  - (a) **Physical abuse** involves single or repeated instances of deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon. It also includes holding a child under water, or any other dangerous or harmful use of force or restraint.
  - (b) **Sexual abuse** and exploitation involves using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.
  - (c) **Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and well-being. For example, neglect includes failing to provide a dependent child with food, clothing, shelter, cleanliness, medical care, or protection from harm.
  - (d) **Emotional abuse** involves harming a child’s sense of self-worth. It includes acts (or omissions) that result in, or place a child at risk of, serious behavioural, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes exposing the child to violence.

(7) An abuser may use a number of different tactics to gain access to children, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. The abuse may happen once or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.

(8) Abuse of children or youth in sport can include emotional maltreatment, neglect, and physical maltreatment.

(a) **Emotional Maltreatment** – A coach’s failure to provide a developmentally-appropriate and supportive environment. Emotional abuse is at the foundation of all other forms of maltreatment (sexual, physical and neglect). In sports, this conduct has the potential to cause emotional or psychological harm to an athlete when it is persistent, pervasive or patterned acts (i.e., yelling at an athlete once does not constitute maltreatment). Examples of emotional maltreatment include:

- i. Refusal to recognize an athlete’s worth or the legitimacy of an athlete’s needs (including complaints of injury/pain, thirst or feeling unwell)
- ii. Creating a culture of fear, or threatening, bullying or frightening an athlete
- iii. Frequent name-calling or sarcasm that continually “beats down” an athlete’s self-esteem
- iv. Embarrassing or humiliating an athlete in front of peers
- v. Excluding or isolating an athlete from the group
- vi. Withholding attention
- vii. Encouraging an athlete to engage in destructive and antisocial behaviour, reinforcing deviance, or impairing an athlete’s ability to behave in socially appropriate ways
- viii. Over-pressuring; whereby the coach imposes extreme pressure upon the athlete to behave and achieve in ways that are far beyond the athlete’s capabilities
- ix. Verbally attacking an athlete personally (e.g., belittling them or calling them worthless, lazy, useless, fat or disgusting).
- x. Routinely or arbitrarily excluding athletes from practice
- xi. Using conditioning as punishment
- xii. Throwing sports equipment, water bottles or chairs at, or in the presence of, athletes
- xiii. Body shaming – making disrespectful, hurtful or embarrassing comments about an athlete’s physique

(b) **Neglect** - acts of omission (i.e., the coach should act to protect the health/well-being of an athlete but does not).

Examples of neglect include:

- i. Isolating an athlete in a confined space or stranded on equipment, with no supervision, for an extended period of time
- ii. Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep
- iii. Ignoring an injury
- iv. Knowing about sexual abuse of an athlete but failing to report it

(c) **Physical Maltreatment** - involves contact or non-contact behaviour that can cause physical harm to an athlete. It also includes any act or conduct described as physical abuse or misconduct (e.g., child abuse, child neglect and assault). Almost all sport involves strenuous physical activity. Athletes regularly push themselves to the point of exhaustion. However, any activity that physically harms an athlete—such as extreme disciplinary actions or punishment—is unacceptable. Physical maltreatment can extend to seemingly unrelated areas including inadequate recovery times for injuries and restricted diet. Examples of physical maltreatment include:

- i. Punching, beating, biting, striking, choking or slapping an athlete
- ii. Intentionally hitting an athlete with objects or sporting equipment
- iii. Providing alcohol to an athlete under the legal drinking age
- iv. Providing illegal drugs or non-prescribed medications to any athlete
- v. Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury (e.g., a concussion)
- vi. Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of an athlete
- vii. Forcing an athlete to assume a painful stance or position for no athletic purpose, or excessive repetition of a skill to the point of injury
- viii. Using excessive exercise as punishment (e.g., stretching to the point of causing the athlete to cry, endurance conditioning until the athlete vomits)

- (9) Importantly, emotional and physical maltreatment does not include professionally-accepted coaching methods (per the NCCP) of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.
- (10) Potential warning signs of abuse of children or youth can include [2][3]:
- 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

#### *Vulnerable Adult Abuse*

- (11) Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age, or old age – the nature and consequences of abuse may differ depending on an individual’s situation, disability, or circumstance.
- (12) The following description of Vulnerable Adult Abuse has been modified and adapted from Ecclesiastical’s *Guidelines for Developing a Safety & Protection Policy for Children / Youth / Vulnerable Adults* [1].
- (13) Abuse of vulnerable adults is often described as a misuse of power and a violation of trust. Abusers may use a number of different tactics to exert power and control over their victims. Abuse may happen once or it may occur in a repeated and escalating pattern over months or years. The abuse may take many different forms, which may change over time:
- (a) **Psychological abuse** includes attempts to dehumanize or intimidate vulnerable adults. Any verbal or non-verbal act that reduces their sense of self-worth or dignity and threatens their psychological and emotional integrity is abuse. This type of abuse may include, for example
    - i. Threatening to use violence
    - ii. Threatening to abandon them
    - iii. Intentionally frightening them
    - iv. Making them fear that they will not receive the food or care they need
    - v. Lying to them
    - vi. Failing to check allegations of abuse against them
  - (b) **Financial abuse** encompasses financial manipulation or exploitation, including theft, fraud, forgery, or extortion. It includes using a vulnerable adult’s money or property in a dishonest manner or failing to use a vulnerable adult’s assets for their welfare. Abuse occurs any time someone acts without consent in a way that financially or personally benefits one person at the expense of another. This type of abuse against a vulnerable adult may include, for example:
    - i. Stealing their money, disability cheques, or other possessions
    - ii. Wrongfully using a Power of Attorney
    - iii. Failing to pay back borrowed money when asked
  - (c) **Physical abuse** includes any act of violence – whether or not it results in physical injury. Intentionally inflicting pain or injury that results in either bodily harm or mental distress is abuse. Physical abuse may include, for example:
    - i. Beating
    - ii. Burning or scalding
    - iii. Pushing or shoving
    - iv. Hitting or slapping
    - v. Rough handling
    - vi. Tripping
    - vii. Spitting

(d) All forms of sexual abuse are also applicable to vulnerable adults

(14) Potential warning signs of abuse of vulnerable adults can include:

- a) Depression, fear, anxiety, passivity
- b) Unexplained physical injuries
- c) Dehydration, malnutrition, or lack of food
- d) Poor hygiene, rashes, pressure sores
- e) Over-sedation

### **Preventing Abuse**

(15) CSPA will enact measures aimed at preventing abuse. These measures include screening, orientation, training, practice, and monitoring.

#### *Screening*

(16) Individuals who coach, volunteer, officiate, deliver developmental programs, are affiliated with provincial teams, accompany a team to an event or competition, are paid staff, or otherwise engage with Vulnerable Individuals involved with CSPA will be screened according to the organization's *Screening Policy*.

(17) CSPA will use the *Screening Policy* to determine the level of trust, authority, and access that each Individual has with Vulnerable Individuals. Each level of risk will be accompanied by increased screening procedures which may include the following, singularly or in combination:

- a) Completing an Application Form for the position sought (which includes alerting Individuals that they must agree to adhere with the organization's policies and procedures (including this *Abuse Policy*))
- b) Completing a Screening Declaration Form
- c) Providing letters of reference
- d) Providing a Criminal Record Check ("CRC") and/or Vulnerable Sector Check ("VSC")
- e) Providing a driver's abstract (for Individuals who transport Vulnerable Individuals)
- f) Other screening procedures, as required

(18) An Individual's failure to participate in the screening process, or pass the screening requirements as determined by a Screening Committee, will result in the Individual's ineligibility for the position sought.

#### *Orientation and Training*

(19) CSPA will deliver orientation and training to those Individuals who have access to, or interact with, Vulnerable Individuals. The orientation and training, and their frequency, will be based on the level of risk, as described in the *Screening Policy*.

(20) Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or period of engagement.

(21) Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.

(22) At the conclusion of the orientation and training, Individuals will be required to acknowledge, in written form, that they have received and completed the training.

#### *Practice*

(23) When Individuals interact with Vulnerable Individuals, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:

- a) Limiting physical interactions to non-threatening or non-sexual touching (e.g., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
- b) Ensuring that Vulnerable Individuals are always supervised by more than one adult
- c) Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power onto one Individual)
- d) Including parents/guardians in all communication (e.g., electronic, telephonic) with Vulnerable Individuals
- e) Ensuring that parents/guardians are aware that some non-personal communication between Individuals and Vulnerable Individuals (e.g., coaches and athletes) may take place electronically (e.g., by texting) and that this type of

communication is now considered to be commonplace, especially with older Vulnerable Individuals (e.g., teenagers). Individuals are aware that such communication is subject to CSPA's *Code of Conduct and Ethics* and *Social Media Policy*.

- f) When traveling with Vulnerable Individuals, the Individual will not transport Vulnerable Individuals without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.

#### *Monitoring*

- (24) CSPA will regularly monitor those Individuals who have access to, or interact with, Vulnerable Individuals. The monitoring will be based on the level of risk, as described in the *Screening Policy*.
- (25) Monitoring may include, but is not limited to: regular status reports, logs, supervisor meetings, supervisor on-site check-ins, feedback provided directly to the organization (from peers and parents/athletes), and regular evaluations.

#### **Reporting Abuse**

- (26) Reports of abuse that are shared confidentially with an Individual by a Vulnerable Individual may require the Individual to report the incident to parents/guardians, CSPA or police. Individuals must respond to such reports in a non-judgemental, supportive and comforting manner but must also explain that the report may need to be escalated to the proper authority or to the Vulnerable Individual's parent/guardian.
- (27) Complaints or reports that describe an element of **abuse** will be addressed by the process(es) described in CSPA's *Discipline and Complaints Policy* and the *Investigations Policy - Discrimination, Harassment and Abuse*.

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[1] Retrieved from: [https://www.ecclesiastical.ca/guidelines\\_developsafetyprotectionpolicy\\_children-youths-vulnerableadults\\_faith/](https://www.ecclesiastical.ca/guidelines_developsafetyprotectionpolicy_children-youths-vulnerableadults_faith/)

[2] Adapted from: <https://www.all4kids.org/2014/03/04/warning-signs-child-abuse-neglect/>

[3] Adapted from: [https://www.parentsprotect.co.uk/warning\\_signs.htm](https://www.parentsprotect.co.uk/warning_signs.htm)

## **INVESTIGATIONS POLICY – DISCRIMINATION, HARRASSMENT, AND ABUSE**

### **Definitions**

- (1) The following terms have these meanings in this Policy:
  - (a) “*Discipline Chair*” – An individual or individuals appointed by the Executive Director to be the first point-of-contact for all discipline and complaint matters reported to CSPA, per the *Discipline and Complaints Policy*
  - (b) “*Individuals*” – All categories of membership defined in CSPA's Bylaws, as well as all individuals employed by, or engaged in activities with, CSPA including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of CSPA
- (2) The following terms have the meanings as defined in CSPA's *Code of Conduct and Ethics*:
  - (a) Harassment
  - (b) Discrimination
  - (c) Workplace Harassment
  - (d) Sexual Harassment
  - (e) Workplace Violence
- (3) The following terms have the meanings as defined in CSPA's *Abuse Policy*:
  - (a) Abuse

### **Purpose**

- (4) CSPA is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse within its operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse and how CSPA will investigate those reports.

### **Determination and Disclosure**

- (5) When a complaint is submitted per CSPA's *Discipline and Complaints Policy*, the Discipline Chair will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
- (6) CSPA will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

### **Investigation**

- (7) Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Chair will also appoint an Investigator to investigate the allegations.
- (8) The Investigator may be a representative of CSPA or a Director, or may be an independent third-party skilled in investigating claims of harassment. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
- (9) 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 and/or consult independent experts to determine whether legislation applies to the complaint.
- (10) 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) Complainant interviewed;
  - (b) Witnesses interviewed;
  - (c) Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - (d) Statement delivered to Respondent ;
  - (e) Respondent interviewed;
  - (f) Witnesses interviewed; and
  - (g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

### **Investigator's Report**

- (11) Per timelines determined by the Discipline Chair, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.
- (12) The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
- (13) The Investigator's Report will be provided to the parties with the names and identifying details of any witnesses redacted. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of CSPA.
- (14) 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 to refer the matter to police. The Investigator will further inform CSPA that the matter should be directed to the police.
- (15) The Investigator must also inform CSPA of any findings of criminal activity. CSPA may decide whether to report such findings to police, but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against CSPA, or other offences where the lack of reporting would bring CSPA into disrepute.
- (16) The Discipline Chair or the Discipline Panel, as applicable, shall consider the Investigator's Report, in addition to submissions from the parties, prior to making a decision on the complaint.

**Reprisal and Retaliation**

(17) An individual who submits a complaint to CSPA, or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that individual will have cause to submit a complaint.

**False Allegations**

(18) An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of CSPA's *Discipline and Complaints Policy* with CSPA, or the individual against whom the false allegations were submitted, acting as the Complainant.

**Confidentiality**

(19) The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential, unless disclosure is necessary for the purpose of investigating or taking corrective action, or is otherwise required by law.

(20) The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, CSPA recognizes that maintaining anonymity of any party may be difficult for the Investigator during the course of the investigation.

# **DISCIPLINE AND COMPLAINTS POLICY**

## **Definitions**

(1) The following terms have these meanings in this Policy:

- (a) “*Case Manager*” – An individual appointed by the Discipline Chair to administer certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, CSPA
- (b) “*Complainant*” – The Party making a complaint
- (c) “*Days*” – Days including weekends and holidays
- (d) “*Discipline Chair*” – An individual or individuals appointed by the Executive Director to be the first point-of-contact for all discipline and complaint matters reported to CSPA
- (e) “*Individuals*” – All categories of membership defined in CSPA’s Bylaws, as well as all individuals employed by, or engaged in activities with, CSPA including, but not limited to, athletes, coaches, conveners, officials, volunteers, managers, administrators, committee members, Directors and Officers of CSPA, spectators, and parents/guardians of athletes
- (f) “*Respondent*” – The Party responding to the complaint

## **Purpose**

(2) Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with CSPA’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

## **Discipline Chair**

(3) The Discipline Chair will be a Director of the Board, or an individual appointed by the Executive Director to handle the duties of the Discipline Chair. The Executive Director may choose to appoint three (3) individuals to serve as Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.

(4) The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

## **Application of this Policy**

(5) This Policy applies to all Individuals.

(6) This Policy applies to matters that may arise during the course of CSPA’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with CSPA’s activities, and any meetings.

(7) This Policy also applies to Individuals’ conduct outside of CSPA’s business, activities, and events when such conduct adversely affects relationships within CSPA (and its work and sport environment), is detrimental to the image and reputation of CSPA, or upon the acceptance of CSPA. Applicability will be determined by CSPA at its sole discretion.

(8) This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline 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 will be for the duration of the competition, training, activity, or event only.

(9) An employee of CSPA who is a Respondent will be subject to appropriate disciplinary action per CSPA’s *Human Resources Policy*, as well as the employee’s Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

## **Alignment**

(10) CSPA recognizes that Individuals may also be registered with Clubs or P/TSO’s. CSPA requires Clubs to submit discipline decisions involving Individuals to CSPA and CSPA, at its discretion, may take further action.

(11) If CSPA decides to take further action upon becoming aware of an Individual who has been disciplined by a Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. CSPA may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.

(12) The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Club when making a decision on the complaint per the terms of this Policy.

## **Adult Representative**

- (13) Complaints may be brought for or against an Individual who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
- (14) Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
- (15) A minor is not required to attend an oral hearing, if held

## **Process**

- (16) Any Individual may report an incident or complaint to the Executive Director in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Executive Director's discretion.
- (17) The Executive Director will appoint a Discipline Chair, as described in this Policy.
- (18) The Discipline Chair may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In this case, the Discipline Chair will appoint an Investigator in accordance with CSPA's *Investigations Policy - Discrimination, Harassment, and Abuse* and CSPA, and the Investigator, will have additional responsibilities as described in that Policy.
- (19) At CSPA's discretion, CSPA may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, CSPA will identify an individual to represent CSPA.
- (20) Upon receipt of a complaint, the Discipline Chair has discretion to choose which process should be followed, and may use the following examples as a general guideline:
  - (a) Process #1 - the Complaint alleges the following incidents:
    - i. Disrespectful, abusive, racist, or sexist comments or behaviour
    - ii. Disrespectful conduct
    - iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
    - iv. Conduct contrary to the values of CSPA
    - v. Non-compliance with CSPA's policies, procedures, rules, or regulations
    - vi. Minor violations of CSPA's *Code of Conduct and Ethics*
  - (b) Process #2 - the Complaint alleges the following incidents:
    - i. Repeated minor incidents
    - ii. Any incident of hazing
    - iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
    - iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
    - v. Pranks, jokes, or other activities that endanger the safety of others
    - vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
    - vii. Conduct that intentionally damages CSPA's image, credibility, or reputation
    - viii. Consistent disregard for CSPA's bylaws, policies, rules, and regulations
    - ix. Major or repeated violations of CSPA's *Code of Conduct and Ethics*
    - x. Intentionally damaging CSPA's property or improperly handling CSPA monies
    - xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
    - xii. A conviction for any *Criminal Code* offense
    - xiii. Any possession or use of banned performance enhancing drugs or methods

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

### Sanctions

- (21) Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:
  - (a) Verbal or written reprimand
  - (b) Verbal or written apology
  - (c) Service or other contribution to CSPA

- (d) Removal of certain privileges
- (e) Suspension from certain teams, events, and/or activities
- (f) Suspension from all CSPA's activities for a designated period of time
- (g) Any other sanction considered appropriate for the offense

(22) The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.

(23) Records of all sanctions will be maintained by CSPA.

#### Request for Reconsideration

(24) 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 four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:

- (a) Why the sanction is inappropriate;
- (b) All evidence to support the Respondent's position; and
- (c) What penalty or sanction (if any) would be appropriate

(25) Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

(26) Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

(27) 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

(28) Following the determination that the complaint or incident should be handled under Process #2, CSPA will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.

(29) The Case Manager has a responsibility to:

- (a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- (b) Propose the use of CSPA's *Dispute Resolution Policy*
- (c) Appoint the Discipline Panel, if necessary
- (d) Coordinate all administrative aspects and set timelines
- (e) Provide administrative assistance and logistical support to the Discipline Panel as required
- (f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### Procedures

(30) If the Case Manager determines the complaint is:

- (a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
- (b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps

(31) The Case Manager's decision to accept or dismiss the complaint may not be appealed.

(32) The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

(33) **After notifying the Parties that the complaint has been accepted, the Case Manager may propose using CSPA's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case**

**Manager, a Discipline Panel of three persons 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.**

- (34) **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
  - (f) The decision will be by a majority vote of the Discipline Panel
- (35) 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.
- (36) **The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.**
- (37) **If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.**
- (38) **In fulfilling its duties, the Discipline Panel may obtain independent advice.**

#### Decision

- (39) After hearing and/or reviewing 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 CSPA. 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

- (40) The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- (a) Verbal or written reprimand
  - (b) Verbal or written apology
  - (c) Service or other contribution to CSPA
  - (d) Removal of certain privileges
  - (e) Suspension from certain teams, events, and/or activities
  - (f) Suspension from all CSPA's activities for a designated period of time
  - (g) Payment of the cost of repairs for property damage
  - (h) Suspension of funding from CSPA or from other sources
  - (i) Expulsion from CSPA
  - (j) Any other sanction considered appropriate for the offense
- (41) 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.
- (42) Records of all decisions will be maintained by CSPA.

### Appeals

(43) The decision of the Discipline Panel may be appealed in accordance with CSPA's *Appeal Policy*.

### **Suspension Pending a Hearing**

(44) CSPA may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

### **Criminal Convictions**

(45) An Individual's conviction for a *Criminal Code* offense, as determined by CSPA, will be deemed an infraction under this Policy and will result in expulsion from CSPA. *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

### **Confidentiality**

(46) The discipline and complaints process is confidential and involves only the Parties, the Case Manager, 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.

### **Timelines**

(47) 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 Discipline Panel may direct that these timelines be revised.

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

(48) Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

# **DISPUTE RESOLUTION POLICY**

## **Definitions**

- (1) The following term has this meaning in this Policy:
  - a) “*Individuals*” – All categories of membership defined in CSPA’s Bylaws, as well as all individuals employed by, or engaged in activities with, CSPA including, but not limited to, athletes, coaches, conveners, officials, volunteers, managers, administrators, committee members, and Directors and Officers of CSPA

## **Purpose**

- (2) CSPA supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
- (3) CSPA encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. CSPA believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

## **Application of this Policy**

- (4) This Policy applies to all Individuals.
- (5) Opportunities for Alternate Dispute Resolution 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**

- (6) The dispute will first be referred to CSPA’s Executive Director for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.
- (7) If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
- (8) The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated, and shall specify a deadline before which the parties must reach a negotiated decision.
- (9) Should a negotiated decision be reached, the decision shall be reported to, and approved by, CSPA. 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 CSPA’s approval.
- (10) Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of CSPA’s *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

## **Final and Binding**

- (11) Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

# **APPEAL POLICY**

## **Definitions**

(1) The following terms have these meanings in this Policy:

- (a) “*Appellant*” – The Party appealing a decision
- (b) “*Case Manager*” – An individual appointed by CSPA who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee this *Appeal Policy*. The Case Manager will have responsibilities that include, but are not limited to:
  - i. Ensuring procedural fairness;
  - ii. Respecting the applicable timelines; and
  - iii. Using decision making authority empowered by this Policy.
- (c) “*Respondent*” – The body whose decision is being appealed
- (d) “*Parties*” – The Appellant, Respondent, and any other Individuals affected by the appeal
- (e) “*Days*” – Days including weekends and holidays
- (f) “*Individuals*” – All categories of membership defined in CSPA’s Bylaws, as well as all individuals employed by, or engaged in activities with, CSPA including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of CSPA, spectators at events, and parents/guardians of athletes

## **Purpose**

(2) CSPA is committed to providing an environment in which all Individuals involved with CSPA are treated with respect and fairness. CSPA provides Individuals with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by CSPA. Further, some decisions made by the process outlined in CSPA’s *Discipline and Complaints Policy* may be appealed under this Policy.

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

(3) This Policy applies to all Individuals. Any Individual who is directly affected by a decision by CSPA shall have the right to appeal that decision provided 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
- (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 CSPA
- (e) Substance, content and establishment of team selection criteria
- (f) Volunteer/coach appointments and the withdrawal or termination of those appointments
- (g) Budgeting and budget implementation
- (h) CSPA’s operational structure and committee appointments
- (i) Decisions or discipline arising within the business, activities, or events organized by entities other than CSPA (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by CSPA at its sole discretion)
- (j) Commercial matters for which another appeals process exists under a contract or applicable law
- (k) Decisions made under this Policy

## **Timing of Appeal**

(6) Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to CSPA, the following:

- (a) Notice of the intention to appeal
- (b) Contact information and status of the appellant
- (c) Name of the respondent and any affected parties, when known to the Appellant

- (d) Date the appellant was advised of the decision being appealed
- (e) A copy of the decision being appealed, or description of decision if written document is not available
- (f) Grounds for the appeal
- (g) Detailed reasons for the appeal
- (h) All evidence that supports these grounds
- (i) Requested remedy or remedies
- (j) An administration fee of one hundred dollars (\$100), which will be refunded if the appeal is upheld

(7) An Individual 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 Case Manager and may not be appealed.

#### **Grounds for Appeal**

- (8) 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) Failed to consider relevant information or took into account irrelevant information in making the decision
  - (e) Made a decision that was grossly unreasonable
- (9) 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.

#### **Screening of Appeal**

- (10) Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), CSPA and the Appellant may first determine the appeal to be heard under CSPA's *Dispute Resolution Policy*.
- (11) Appeals resolved by mediation under CSPA's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.
- (12) Should the appeal not be resolved by using the *Dispute Resolution Policy*, CSPA will appoint an independent Case Manager (who must not be in a conflict of interest) who has the following responsibilities:
- (a) Determine if the appeal falls under the scope of this Policy
  - (b) Determine if the appeal was submitted in a timely manner
  - (c) Decide whether there are sufficient grounds for the appeal
- (13) If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- (14) If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

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

- (15) **The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.**
- (16) **If a Party chooses not to participate in the hearing, the hearing will proceed in any event.**

(17) **The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:**

- (a) The hearing will be held within a timeline determined by the Case Manager
- (b) The Parties will be given reasonable notice of the day, time and place of the hearing
- (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 the hearing
- (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 a party to the appeal in question and will be bound by its outcome
- (h) The decision to uphold or reject the appeal will be by a majority vote of Panel members

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

#### **Appeal Decision**

(19) The Panel shall issue its decision, in writing and with reasons, within fourteen (14) 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
- (c) Uphold the appeal and vary the decision

(20) The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and CSPA. 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**

(21) 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 Case Manager and/or Panel may direct that these timelines be revised.

#### **Confidentiality**

(22) The appeals process is confidential and involves only the Parties, the Case 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**

(23) No action or legal proceeding will be commenced against CSPA or Individuals in respect of a dispute, unless CSPA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in CSPA's governing documents.

# **WHISTLEBLOWER POLICY**

## **Definitions**

- (1) The following terms have these meanings in this Policy:
  - (a) *Director* – An individual appointed or elected to CSPA’s Board of Directors
  - (b) *Worker* – An individual who has signed an Employment Agreement or Contractor Agreement with CSPA

## **Purpose**

- (2) The purpose of this Policy is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing in the workplace without fear of unfair treatment or reprisal.

## **Application**

- (3) This Policy only applies to Workers who observe or experience incidents of wrongdoing committed by Directors or by other Workers.
- (4) Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by CSPA can be reported under the terms of CSPA’s *Discipline and Complaints Policy* and/or reported to CSPA’s Board or Executive Director to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or CSPA’s *Human Resources Policy*.
- (5) Matters reported under the terms of this Policy may be referred to be heard under CSPA’s *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

## **Wrongdoing**

- (6) Wrongdoing can be defined as:
  - (a) Violating the law;
  - (b) Intentionally or seriously breaching of CSPA’s *Code of Conduct and Ethics*;
  - (c) Intentionally or seriously breaching CSPA’s policies for workplace violence and harassment;
  - (d) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual;
  - (e) Directing an individual or Worker to commit a crime, serious breach of a policy of CSPA, or other wrongful act; or
  - (f) Fraud.

## **Pledge**

- (7) CSPA pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any Worker who discloses information or submits, in good faith, a report against a Worker under the terms of this Policy.
- (8) Any individual affiliated with CSPA who breaks this Pledge will be subject to disciplinary action.

## **Reporting Wrongdoing**

- (9) A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
  - (a) Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
  - (b) Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
  - (c) Why the act or action should be considered to be wrongdoing; and
  - (d) How the wrongdoing affects the Worker submitting the report (if applicable).

## **Authority**

- (10) CSPA has appointed the following Compliance Officer to receive reports made under this Policy:

**[ insert contact information for Compliance Officer – should not be the President or Executive Director]**

- (11) After receiving the report, the Compliance Officer has the responsibility to:

- (a) Assure the Worker of CSPA's **Pledge**
- (b) Connect the Worker to the Alternate Liaison if the individual feels that he or she cannot act in an unbiased or discrete manner due to the individual's role with CSPA and/or the content of the report
- (c) Determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious)
- (d) Determine if CSPA's *Whistleblower Policy* applies or if the matter should be handled under CSPA's *Discipline and Complaints Policy*
- (e) Determine if the local police service be contacted
- (f) Determine if mediation or alternate dispute resolution can be used to resolve the issue
- (g) Determine if CSPA's Chairperson and/or Executive Director should or can be notified of the report
- (h) Begin an investigation

#### **Alternate Liaison**

- (12) If the Worker feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with CSPA and/or the content of the report, the Worker should contact the following individual who will act as an independent liaison between the Worker and the Compliance Officer:

**LeeAnn L. Cupidio, LLB**  
**Sport Law & Strategy Group**  
**llc@sportlaw.ca**

- (13) The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with CSPA without the Worker's consent.
- (14) A Worker who is unsure if he or she should submit a report, or who does not want to have his or her identity known, may contact the Alternate Liaison for informal advice about the process.

#### **Investigation**

- (15) If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, CSPA's Executive Director and/or Chairperson may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the Worker who submitted the report being disclosed. CSPA's Executive Director and/or Chairperson may not unreasonably refuse the decision to contract an external investigator
- (16) An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:
- (a) Followup interview with the Worker who submitted the report
  - (b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing
  - (c) Interviews with such-affected individuals
  - (d) Interview with the Director(s) or Worker(s) against whom the report was submitted
  - (e) Interview with the supervisor(s) of the Director(s) or Worker(s) against whom the report was submitted
- (17) In all stages of the investigation, the investigator will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, CSPA recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
- (18) The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to CSPA's Chairperson and/or Executive Director for review and action.

#### **Decision**

- (19) Within fourteen (14) days after receiving the Investigator's Report, CSPA's Chairperson and/or Executive Director will take corrective action, as required. Corrective action may include, but is not limited to including:
- (a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
  - (b) Revision of job descriptions; or

- (c) Discipline, suspension, termination, or other action as permitted by CSPA's Bylaws, provincial employment legislation, CSPA's *Human Resources Policy*, and/or the Worker's Employment Agreement or Contractor Agreement.
- (20) The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
- (21) Decisions made under the terms of this Policy may be appealed under the terms of CSPA's *Appeal Policy* provided that:
- (a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal, and
  - (b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that CSPA will act as the Respondent

**Confidentiality**

- (22) Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals (the Worker, the Worker(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.