

CONDUCT POLICY SUITE

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1. STATEMENT OF COMMITMENT

- 1.1 The Organization is committed to creating a safe sport environment that is accessible, inclusive, respects the personal goals of participants, and is free from all forms of Maltreatment. As part of the Organization's commitment to safe sport, our staff and Board have completed Commit to Kids and Respect in Sport training, signed the Responsible Coaching Movement Pledge, and are champions of True Sport.
- 1.2 The Organization values fair, safe, open, and inclusive sport for all. In partnership with Canada Artistic Swimming, our member clubs, and a variety of Canadian safe sport leading organizations, we promote and activate several initiatives with, and for, our members that work to support our alignment with the CAS Conduct Policy, BC Universal Code of Conduct, and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).

2. ALIGNMENT

- 2.1 This Conduct Policy is based on Canada Artistic Swimming's *Conduct Policy*. The Organization aims to align its own *Conduct Policy* with the national organization's *Conduct Policy* so that all participants can strive to similar high standards for conduct.
- 2.2 Any variations between this *Conduct Policy* and Canada Artistic Swimming's *Conduct Policy* have been made intentionally by the Organization to address issues specific to artistic swimming in BC. In such cases as the Canada Artistic Swimming version has been updated with additional information or details not included herein, the Organization will defer to the updated version of the CAS Conduct Policy as required and appropriate.
- 2.3 This policy also adopts and accepts all the language contained in the BC Universal Code of Conduct. An individual who violates the BC UCC may be subject to sanctions pursuant to the Discipline and Complaints Policy.

3. VIOLATIONS OF THIS POLICY

- 3.1 An Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanction pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, 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.

4. PURPOSE

4.1 The purpose of this *Conduct Policy* is to foster a positive, safe, and respectful work and sport environment where:

- a) The Organization's values and expected standards of behaviour are understood, communicated and lived by all Individuals and Organizations;
- b) There is adherence to all applicable laws, regardless of where the Activity takes place; and
- c) The conduct of Individuals is ethical, transparent and fosters confidence in the integrity of the Organization.

4.2 The purpose of this Policy is also:

- a) To define those actions and behaviours that are not permitted so that it is known to Individuals and avoided;
- b) To ensure the decisions and actions of Individuals are consistent with the Organization's vision, values, and policies.

5. STATEMENT OF VALUES

5.1 Individuals are expected to conduct themselves in all matters involving or impacting the Organizations or where they may be seen to be representing these Organizations, with integrity and in a manner that is consistent with these Organizations' values and the highest standards of behaviour upon which the Organization's image and reputation rests.

5.2 Individuals and Organizations will:

- a) Acquaint themselves with the CAS, BCAS, and Member Club mission, vision, values and policies and behave at all times in a manner consistent with them.
- b) Adhere to all federal, provincial, municipal, and host country laws.
- c) Not participate in, condone, or engage in dishonesty, fraud, deceit, misrepresentation or illegal activities.
- d) Not knowingly disseminate false or misleading information about an Organization or Registrant.
- e) Act, when appropriate, to correct or prevent practices that are unjust, discriminatory or otherwise in contravention of this Policy.
- f) Cooperate with internal or external investigations of concerns of possible misconduct under this Policy by providing honest, accurate, complete and timely information.
- g) Act in a responsible manner in relation to the media and with respect to the content of personal websites and information posted on social media sites including, but not limited to, Facebook, Twitter, Instagram, Snapchat and YouTube.
- h) Provide a healthy and safe work and sport environment for the Athlete and everyone involved in the sport.
- i) For Individuals, provide a valid police record check and other background screening checks as required by CAS, and the Organizations.

- j) Support the principles of True Sport Principles and the Responsible Coaching Movement and how they apply to creating a positive, safe and welcoming sport environment, and to behave accordingly.
- k) For Individuals, complete the Respect in Sport Training Program or authorized equivalents as required by CAS, BCAS or an Affiliated Organization.
- l) Comply, as applicable, with the Organization's Bylaws, Policies and rules.

6. APPLICATION

6.1 This Policy applies to all Individuals and Organizations, including:

- a) CAS, BCAS, Affiliated Organizations and Registrants.
- b) Directors, officers, committee members, and volunteers of the Organizations.
- c) Employees and anyone under contract with the Organizations and anyone attending their offices or other workplaces for work or training purposes.
- d) All athletes eligible for selection to, or forming part of, any team participating in competitions or events over which the Organizations have jurisdiction.
- e) Coaches, Officials, Support Personnel and Persons in Leadership.
- f) Parents and spectators involved in the Organization's Activities and Events.

6.2 This Policy applies at all times, wherever an Organization's Activity or Event takes place, which includes their respective offices as well as external locations in BC, Canada, and abroad and includes all activities over which the Organization has jurisdiction. Activity and Event include:

- a) Meetings of the Organizations' board of directors and all committee or coach meetings, whether in person, by phone or by virtual means.
- b) Annual Meetings, Special Meetings or hosted conferences or clinics.
- c) Employment in an Organization, and all meetings and social events hosted or organized by the employer.
- d) Participation in sanctioned competitions including related training and organized group travel.
- e) All selection, trials, and assessment processes and training or practice time, whether inside or outside BC or Canada.
- f) Any other Activity or Event as defined in this Policy.

6.3 This Policy also applies to Individuals' and Organizations' conduct outside of the Organizations' Activities or Events when such conduct adversely affects relationships within these Organizations and their work and sport environment or is detrimental to the image and reputation of the Organizations or the sport of artistic swimming. Such applicability will be determined by the Organizations at their sole discretion.

7. COMMITMENT TO NON-RETALIATION

7.1 Individuals and Organizations are expected to report or raise any concerns about misconduct and to work together to ensure a positive, safe, and respectful work and sport environment. There will be no retaliation from anyone subject to this Policy for speaking up and making a truthful report of actual or possible misconduct, for participating in an investigation, or for exercising one's legal rights.

8. OBLIGATION TO REPORT

- 8.1 It is a violation of this Policy if an Individual or Organization knows the existence of misconduct but fails to report it. Failure to report such misconduct to the Independent Complaints Assessor (ICA), BCAS Case Manager, or Sport Integrity Unit, as applicable, may result in disciplinary action.
- 8.2 If there are reasonable grounds to suspect a Minor or Vulnerable person needs protection because of a sexual, emotional, or physical abuse or lack of care situation, Individuals and Organizations have a legal duty to immediately report the suspicious or relevant information to the ICA, BCAS Case Manager or Sport Integrity Unit and, when applicable and required by Law, to the appropriate agency or the police. The ICA, BCAS Case Manager or Sport Integrity Unit may report the Reported Incident or misconduct to the proper agency or the police.

CHAPTER 1 – Glossary of Terms

9. DEFINITIONS

For the purposes of this Policy, the following terms mean:

- a) **“Activity or Event”** means day to day CAS, PTSO, or Affiliated Organization’s events, activities including conferences, meetings, workshops, teams’ meetings, exhibitions, competitions, trials, or selection events, training camps, and any other events, activities sanctioned or organized by CAS, a PTSO, or Affiliated Organization.
- b) **“Athlete”** means any individual participating in the sport of artistic swimming, for recreational enjoyment or competitive purposes, who is registered with CAS, BCAS, or an Affiliated Organization.
- c) **“Affiliated Organization”** means any recreational or competitive club or league that delivers artistic swimming programs and has fulfilled the requirements of registration as required by CAS and BCAS and has paid any associated registration fees to CAS or BCAS.
- d) **“BCOC”** means BC Officials Committee.
- e) **“BC UCC”** means BC Universal Code of Conduct.
- f) **“Board”** means the Board of Directors of CAS, BCAS, or an Affiliated Organization, as applicable.
- g) **“CAS”** refer to Canada Artistic Swimming.
- h) **“CEO”** means the CAS Chief Executive Officer.
- i) **“Coach”** means an individual certified by the Coaching Association of Canada (“CAC”) and registered with CAS or BCAS as an artistic swimming coach.
- j) **“Complaint”** means a complaint filed with the CAS Independent Complaint Assessor, the BCAS Case Manager or provincial Sport Integrity Unit in accordance with the applicable Discipline and Complaint Policy and Procedure.
- k) **“Confidential Information”** means information known to the Individual by virtue of his or her connection to the Organization or an Affiliation Organization, whether or not marked “confidential”.
- l) **“Discipline and Complaint Policy and Procedure”** as the meaning defined in the Discrimination, Harassment and Maltreatment Policy.
- m) **“Discrimination”** means unlawful discrimination including but is not limited to, discrimination on the basis of race, colour, national place of origin, ancestry, sex (including pregnancy), religious beliefs, age, physical or mental disability, sexual orientation, gender identity or expression, family or marital status, or any other ground or characteristic protected under applicable provincial human rights legislations.
- n) **“Executive Director”** means the Executive Director of BC Artistic Swimming.
- o) **“Family Member”** includes a spouse, partner, natural or adoptive parent, grandparent, child or step-child, sibling, aunt, uncle, nephew or niece, the parents or close relatives of a spouse or partner, people who are in an intimate relationship and people who permanently reside together or are financially dependent on each other.
- p) **“Harassment”** as the meaning defined in the Discrimination, Harassment and Maltreatment Policy.
- q) **“Independent Complaint Assessor or ICA”** means the independent third party contracted by CAS to manage Complaints and /or Reported Incidents under the CAS Discipline and Complaint Policy and Procedure.
- r) **“Individuals”** means any individual that has fulfilled the requirements of registration as required by CAS or BCAS as well as all individuals engaged on a volunteer or contractual basis in a CAS, BCAS or Affiliated Organization’s Activity or Event. Individual includes but is not limited to Registrants,

Athletes, Coaches, Employees (subject their applicable HR policy) Officials, volunteers, person in leadership, directors, parents, spectators, team managers, team captains, Support Personnel, contractors and suppliers, as applicable.

- s) **"LTAD"** means the Long Term Athlete Development Framework and pathway developed by CAS.
- t) **"Major Infractions"** means infractions described in the Organizations' Policies. Major Infractions are behaviors more severe than Minor infractions that may result into more harm and aggravating consequences. Major Infractions include major breaches of the Organizations' Policies.
- u) **"Maltreatment"** means volitional acts that may be physical or psychological resulting in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in this Policy.
- v) **"Member"** means a PTSO registered with CAS.
- w) **"Minor"** means a person in British Columbia under the age of 19 years or, where applicable, a person who is under the age of majority and meets the definition of a child for the purposes of protection in the province or territory.
- x) **"Minor Infractions"** means infractions described in the Organizations' Policies and constitutes breaches that either cause minor or no aggravating consequences or harm as determined by the Independent Complaint Assessor, BCAS Case Manager, provincial complaint triage officer, provincial Sport Integrity Unit, or an external investigator appointed by the ICA or the BCAS Case Manager upon receipt of a Complaint of Reported Incident.
- y) **"NOC"** means National Officials Committee.
- z) **"Officials"** means all judges including practice judges, referees and scorers recognized by FINA, CAS or BCAS.
- aa) **"Organization(s)"** means separately or collectively CAS, PTSOs, or Affiliated Organizations and also includes any Organization that is adopting this Policy and Organizations that may be subject to this Policy.
- bb) **"Parents"** refers to parents or guardians of a person registered with BCAS or an Affiliated Organization;
- cc) **"Person in Leadership"** means the Executive Director or authority withing CAS, BCAS, and Affiliated Organization , or Sport Partner.
- dd) **"President"** refers to the President of CAS, BCAS or an Affiliated Organization, as appropriate.
- ee) **"Provincial Territorial Sports Organization or PTSO"** means the CAS recognized provincial and territorial sport organization responsible for artistic swimming in its geographic territory.
- ff) **"BCAS Complaint triage officer, Case Manager"** means an independent third party contracted by BCAS to manage Complaints and /or Reported Incidents under the BCAS Discipline and Complaint Policy and Procedure.
- gg) **"Registrant"** means any Affiliated Organization or Individual that has fulfilled the registration requirements in CAS or PTSO's By-Laws and has paid any associated registration fees to CAS or a PTSO.
- hh) **"Related Party(ies)"** includes a close family member, a relative or friend, associate, a person under its care or responsibility, a close client, partner, a corporation controlled by any individual subject to the Organization's Conflict of Interest Policy or any corporation or enterprise in which such Individual have a significant interest.
- ii) **"Reported Incident"** means an incident reported with the CAS ICA or the PTSO's Complaint triage officer in accordance with their applicable Discipline and Complaint Policy and Procedure.
- jj) **"Respondent"** means an Individual who is alleged to have engaged in Discrimination, Harassment or Maltreatment and thereby to have violated the UCCMS and the Organizations' Discrimination, Harassment or Maltreatment Policies.

- kk) ***“Sport Integrity Unit”*** means an independent third-party organization in British Columbia that managed Complaints and/or Reported Incidents within the provincial jurisdiction.
- ll) ***“Sport Partner”*** means a sport organization that CAS, a PTSO or Affiliated Organization works with or partners with to deliver its Events and Activities.
- mm) ***“Support Personnel”*** means any person other than a Coach supporting the development of an Athlete at all LTAD stages including fitness trainer, sport science specialists, health care practitioners and specialists affiliated with or recognized by CAS, BCAS, an Affiliated Organization or a Sport Partner.
- nn) ***“UCCMS”*** means Universal Code of Conduct to Prevent and Address Maltreatment in Sport.
- oo) ***“Vulnerable person”*** refers to persons who, because of age, disability, or other circumstances, whether temporary or permanent, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them including children, youth and people with physical, developmental, or other disabilities.

CHAPTER 2 – Behaviour Expectations and Standards

10. STANDARDS OF BEHAVIOUR

10.1 All members of the Organization are expected to follow the minimum standards of behaviour outlined in Appendices A-G. Members who represent multiple membership categories are expected to know and understand the standards of behaviour for each role.

11. ANTI-DOPING

11.1 The Organization supports Canada Artistic Swimming's adoption of the Canadian Anti-Doping Program (CADP). The Organization strictly prohibits the use of restricted drugs or performance-enhancing drugs and methods. The Organization advises athletes to be cautious when taking supplements as they may contain banned substances and/or come from unregulated and unstandardized sources.

11.2 All Individuals have a responsibility to:

- a) Refrain from using any restricted drugs or performance enhancing drugs and methods unless authorized by a therapeutic use exemption (TUE) recognized by the CCES.
- b) Respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Organization, Canada Artistic Swimming, or any other sport organization.
- c) 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, the FINA antidoping regulations or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport.

12. DRUGS, ALCOHOL, CANNABIS, TOBACCO AND E-SMOKING PRODUCTS

12.1 Individuals or Organizations must never provide, promote, condone, or ignore substance abuse, the non-medical use of drugs or the use of performance enhancing drugs or methods and, in the case of Minors, the use of alcohol, cannabis, tobacco, or e-smoking products.

12.2 The use of alcohol, non-medical cannabis, tobacco, or e-smoking products in the workplace is prohibited, subject to any required accommodation.

12.3 Individuals will refrain from consumption of alcohol, cannabis, tobacco, or e-smoking products while engaged in the Organization's Events or Activity where minors are present, except for approved adult-oriented social situations associated with the Organization or Member Club events.

12.4 Individuals will exercise moderation when consuming alcohol or cannabis products in adult-oriented social situations associated with the Organization's events.

12.5 ***Cannabis***

Laws passed by the federal government and each Canadian province and territory define restrictions on recreational cannabis use including minimum cannabis use age and where cannabis may be consumed. Individuals and Organizations will adhere to all federal, provincial and territorial laws on cannabis use.

The Canadian Centre for Ethics in Sport has cannabis on its list of prohibited substances and cannabis use by any Athlete subject to the Canadian Anti-doping Program may be considered doping. All Individuals have a responsibility to understand and observe Canadian Centre for Ethics in Sport (CCES) rules on cannabis use.

13. **SOCIAL MEDIA**

13.1 Individuals and Organizations are expected to act in a responsible manner in relation to the content of personal or Organizations' websites and information communicated and shared on blogs and over social media.

13.2 Individuals will:

- a) Acquaint themselves with the CAS and BCAS mission, vision, values and policies and behave accordingly.
- b) For individuals, protect their privacy and take care to understand the social media site's privacy settings and terms of service.
- c) Take reasonable steps to secure Confidential Information and to not disclose such information.
- d) For individuals, maintain a clear distinction between personal and professional social media use including having two separate accounts for these purposes where required.
- e) Ensure that all content is appropriate for viewing by Minor athletes.
- f) Avoid at all times using social media for cyber-Discrimination, Harassment and Maltreatment.
- g) Refrain from posting images or content related to drugs, alcohol, cannabis, tobacco or e-smoking products.
- h) Keep their posts positive and not engage in bullying or negative or critical conversations online.

14. **PUBLIC HEALTH**

14.1 Individuals and Organizations shall comply with all public health orders and guidelines in force in the jurisdiction in which the Event or Activity takes place and shall also comply with any further or additional public health measures, rules, and requirements mandated by the Organizations.

15. **CONDUCT POLICY VIOLATIONS**

15.1 Any breach or violation of this Conduct Policy may be reported to the CAS Independent Complaint Assessor, in the case of a national level Complaint, who will manage the Complaint or Reported Incident in accordance with CAS Discipline and Complaints Policy and Procedure or other CAS Policies,

as applicable. If a Complaint falls within the PTSO's jurisdiction, the PTSO Complaint triage officer or Complaint management mechanism will apply. In absence of such mechanism at the PTSO or Affiliated Organization level, CAS ICA will manage the Complaint.

16. CRIMINAL OFFENCES

16.1 An Individual's conviction for a relevant and serious Criminal Code offences or Antidoping rule violations will be deemed a Major Infraction and a breach of this Conduct Policy and may result in immediate sanction from CAS, a PTSO or Affiliated Organization without any requirement for the filing of Complaint or Reported Incident, the hearing or decision of a Discipline Panel. Relevant and serious Criminal offences include:

- a) Any child pornography offences.
- b) Any sexual offences;
- c) Any major offences of assault; and
- d) Any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List.
- e) Any criminal offences such as those listed in appendix C of the CAS Complaint and Discipline Policy and Procedure.

16.2 In case of a confirmed relevant criminal offences committed by any Individual involved in artistic swimming, CAS shall have full discretion to impose any sanction, permanent or provisional, as it deems appropriate in the circumstances without the necessity of complying with its Discipline and Complaint Policy and Procedure.

17. COMMUNICATION

17.1 The Organizations will ensure this Policy is well publicized, including on the Organization's websites.

17.2 The Organizations will ensure that this Policy is communicated to those who will be responsible for upholding it as well as those who will be responsible for its implementation.

18. POLICY REVIEW AND COMING INTO FORCE

18.1 CAS will conduct a review of this Policy every two (2) years or as decided by its board.

18.2 This Policy when duly adopted by the Organization's Board shall come into force when published on the Organization's website following a specific communication indicating that this Policy is now in force.

CHAPTER 3 – True Sport

19. TRUE SPORT POLICY








19.1 *Preamble*

True Sport is a series of programs and initiatives designed to give people, communities, and organizations the means to leverage the many benefits of sport from a platform of shared values and principles. Through public consultation, Canadians have expressed that they want their sport experience to be based on the values of **fairness, excellence, inclusion, and fun**.

[True Sport](#) is dedicated to the notion that good sport can make a great difference. It is their mission to deliver programs and initiatives that:

- Enable participants, parents, coaches, and officials to articulate and act upon their deeply held belief in the virtues of good sport
- Enable participants, parents, coaches, and officials to identify with others holding similar values
- Create a fair, safe, and open atmosphere where good sport can grow stronger through inclusive competition at all levels.

To achieve these goals, True Sport promotes seven [True Sport Principles](#):

-  **Go For It**
Rise to the challenge – always strive for excellence. Discover how good you can be.
-  **Play Fair**
Play honestly – obey both the letter and spirit of the rules. Winning is only meaningful when competition is fair.
-  **Respect Others**
Show respect for everyone involved in creating your sporting experience, both on and off the field of play. Win with dignity and lose with grace.
-  **Keep It Fun**
Find the joy of sport. Keep a positive attitude both on and off the field of play.
-  **Stay Healthy**
Place physical and mental health above all other considerations – avoid unsafe activities. Respect your body and keep in shape.
-  **Include Everyone**
Share sport with others. Ensure everyone has a place to play.
-  **Give Back**
Find ways to show your appreciation for the community that supports your sport and helps make it possible.

The True Sport Principles need to be in play at all times, working in perfect balance with one another, for sport to be truly good and have the opportunity to make the greatest difference. True Sport teams, clubs, athletes, coaches, and teachers commit to these Principles for Sport.

19.2 *Application*

This policy has been prepared by the Organization and is a global policy applicable to all artistic swimming activities in British Columbia and all affiliated organizations and individuals, including but not limited to

the Organization's Board of Directors and staff, clubs and their executives and staff, athletes, coaches, officials, and volunteers.

Clubs may adopt this True Sport Policy or use this document as a template to create a club-specific True Sport Policy, however, a Club can only strengthen, but cannot weaken, the commitments, application, or scope set out in this policy.

19.3 **Purpose**

19.3.1 The purpose of this policy is to provide an overarching guiding statement on the Organization's commitment to Managing by Values and to living the True Sport Principles. In general, this policy gives guidance as it describes how the Organization makes decisions in a way that aligns with its organizational values and the True Sport Principles. This policy has other purposes as well, namely:

- a) Reinforces the Organization's commitment to creating a values-based and principle-driven culture from executive boardroom to pool deck;
- b) Gives context to the Organization's commitment to manage risk effectively;
- c) Supports decision making by ensuring alignment with organizational values and the True Sport Principles when applicable to field of play;
- d) Enhances the Organization's brand, reputation and image;
- e) Performs an educational function for staff, Board of Directors, members and stakeholders; and
- f) Helps to ensure a sustainable transfer of philosophy as leadership changes over.

19.4 **Missions, Vision and Values**

The Organization has the following statements of purpose:

- a) **Mission**
BC Artistic Swimming leads growth and development in artistic swimming.
- b) **Vision**
BC Artistic Swimming envisions an inclusive and accessible sport community inspiring excellence.
- c) **Values**
We are guided by five key values:
 - We are connected as a True Sport COMMUNITY.
 - We strive for EXCELLENCE.
 - We offer INCLUSIVE programs.
 - We act with INTEGRITY.
 - We communicate RESPECTFULLY.
- d) **Declaration**
Our athletes are the heart of our community.
We nurture collaboration, life-long learning, and sport for life.
We strive for innovation, excellence, and integrity in and out of the pool.
We celebrate our collective journeys honoring our past, present, and future.
 - We foster growth.
 - We believe in fulfillment.
 - We welcome everyone.
 - We are a vibrant community.Joy...Unity...Movement...Passion.

19.5 **Management by Values**

The Organization commits to a Management by Values philosophy that aligns decisions with its organizational values. Specifically, the following commitments are made by leaders of the Organization:

- a) Defines a list of values that reflect its culture and ethos;
- b) Communicates organizational values to prospective staff by including them in the interview process, as well as promoting visibly within the organization, sharing on the website, and including on letterhead and other communications materials;
- c) Educates staff, Board of Directors, members and stakeholders on methods to align organizational values with decisions by ensuring they are included and reflected in the decision-making process, added to agendas, and are included up front when beginning meetings;
- d) Evaluates the performance of staff, the Board of Directors and the organization according to its organizational values by incorporating them into the performance management process;
- e) Manages risks by ensuring that identified risks and risk treatment strategies are evaluated in accordance with the Organization values (see Risk Registry);
- f) Expresses its commitment to sharing its values with stakeholders by including them in public comments, stakeholder engagement sessions, and when speaking on behalf of the Organization; and
- g) Commits to reviewing their organizational values as part of its strategic plan renewal process.

19.6 **Commitment to the True Sport Principles**

19.6.1 The True Sport Principles are the expressed commitment by the Organization to ensure a safe, inclusive, welcoming, and positive environment for athletes, supported by coaches, parents, officials and administrators. The Organization believes that adhering to these field of play principles will encourage an optimal sport environment for all participants. Furthermore, the Organization will benefit from aligning with other sport organizations who also believe in and are promoting these principles.

19.6.2 The Organization demonstrates a meaningful commitment to the True Sport Principles through many actions and activities including, but not limited to, the following:

- a) Publicly commit to True Sport by adding the Organization's name and contact information at <https://truesportpur.ca/join>
- b) Integrate organizational values and the True Sport Principles into other policies and practices to enhance alignment and to minimize risks.
- c) Add a [True Sport logo](#) to the Organization's letterhead;
- d) Announce the Organization's commitment in a joint media release with True Sport to support the integration of the True Sport Principles;
- e) Incorporate the True Sport brand and messaging in a manner that upholds our commitment to fair, inclusive and ethical sport <https://truesportpur.ca/display-true-sport-0>;
- f) Educate coaches and athletes on the Organization's commitment to the True Sport Principles by incorporating them in coach education materials, workshops, and evaluation.
- g) Monitor and evaluate how well the True Sport Principles are being lived on the field of play through annual membership survey and by engaging athletes.

19.7 **Planning and Governance**

The Organization pledges to ensure its governance and operations reflect the commitment to its organizational values and the True Sport Principles in the following ways:

- a) **Legal requirements:** The Organization will adopt, maintain, and monitor comprehensive policies that meet legal requirements and stakeholder expectations.

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- b) Strategy: The Organization will have a strategic plan that reflects its mission, vision, values, and the True Sport Principles.
 - c) Program implementation: Staff will reflect the organizational values and the True Sport Principles in the implementation and delivery of their programs.
 - d) Governance: The Organization will have a diverse blend of directors who commit to adhering to the principles of True Sport, a Management by Values philosophy, and to serve their fiduciary duties. Directors commit to managing any and all conflicts in accordance with the Organization's Communications Guidelines or Conflict of Interest Policy.
 - e) Risk Management: The Organization manages risks by having a risk management program and policy, a process to identify, assess, and mitigate risks, a risk registry that captures high to very high-level risk, defined risk tolerance between staff and Board of Directors, and a process to continually educate and communicate its commitment to manage risks to staff, Board of Directors, members, and key stakeholders.
 - f) Education and Communications: The Organization commits to educate its Board of Directors, staff, funders, sponsors, members, and stakeholders on its commitment to Management by Values and the True Sport Principles.

19.8 Scope and Authority

The Executive Director is the designated staff person responsible for the implementation, maintenance, and communication of this policy. It is understood that the Executive Director works with the Board of Directors and staff to ensure that the organizational values and the True Sport Principles are considered according to this policy, which applies to all decision and activities undertaken on behalf of the Organization.

19.9 Reporting and Ongoing Monitoring

19.9.1 To ensure that the True Sport policy remains a high priority within the Organization, and to promote an organizational culture that embraces a values orientation, adherence to a Management by Values philosophy and the True Sport Principles will be included on the agenda of every regular Board meeting, to continue to shape the quality of decisions that impact the Organization.

19.9.2 The Organization recognizes that proactive communication is an essential part of the Management by Values philosophy and helps to create a climate that encourages adherence to the True Sport Principles. This policy will be communicated to staff, Board of Directors, members, committees and volunteers throughout the year and the Organization will report on progress made in relation to outcomes related to this policy.

CHAPTER 4 – Rule of Two Policy

20. RULE OF TWO POLICY

20.1 *Preamble*

20.1.1 BC Artistic Swimming believes in the health, safety and wellness of all BC artistic swimming participants and, in particular, the protection of minors and that everyone has the right to participate in safe and inclusive environments free of abuse, harassment, discrimination, and to enjoy the sport at whatever level or capacity they choose to participate. The Rule of Two is a leading practice to ensure a safe sport environment for all.

20.2 *Purpose*

20.2.1 The purpose of this policy is to provide BC Artistic Swimming members and affiliated organizations direction on the Rule of Two to ensure adult interactions with athletes, coaches, officials, and volunteers protect the health, safety, and wellness of all participants.

20.3 *Rule of Two Standards*

20.3.1 All interactions and communications between all participants should consider the attached Rule of Two guidelines AND:

- 20.3.1.1 All interactions and communications between all participants must be open, observable, and justifiable.
- 20.3.1.2 Interaction, physically or virtually, must include more than one adult present, noting there may be exceptions in emergency situations.
- 20.3.1.3 In-person interactions between an adult with an individual minor (British Columbia, Person under 19 years) must take place within earshot and in view of other individuals (team officials, players, parents, officials, and/or club or BCAS representatives).
- 20.3.1.4 Email communication must be communicated directly to the parent/guardian of the individual minor with another adult copied on the communication. If the communication is directed to the individual minor, then the parent/guardian, as well as another adult must be copied on the communication.
- 20.3.1.5 Phone calls and text messaging will not be the chosen form of communication between an adult and an individual minor.
- 20.3.1.6 The second adult involved in Rule of Two interactions should not have a direct and immediate personal relationship with the first adult (i.e., the second adult should not be a spouse or family member of the first adult with whom coercion may occur).
- 20.3.1.7 Virtual Setting, for example using a virtual meeting platform, at a minimum must include one other adult in attendance and preferably the individual minor's parents in attendance as well.
- 20.3.1.8 All coaches registered with BC Artistic Swimming shall be required to complete the NCCP Understand the Rule of Two e-learning module. All members of BC Artistic Swimming are encouraged to complete the NCCP Understand the Rule of Two e-learning module.

Safety in Numbers

Rule of Two



The goal of the Rule of Two is to ensure all interactions and communications are open, observable, and justifiable. When following the Rule of Two, two responsible adults (a coach, parent, or screened volunteer) are present with a participant. There may be exceptions in emergency situations. Check with your sport organization as to how the Rule of Two is enforced.

The Rule of Two is a leading practice to ensure a safe sport environment for all.

INTERACTIONS



- Two trained and screened coaches
- One participant



- One trained coach
- One screened adult
- One participant



- One coach
- Two participants



- One coach
- One participant

How the Rule of Two works



Work as a team. A coach should have another coach or screened adult (parent or volunteer) present when interacting with participants.



Remain open to the public. Have a training environment that ensures all situations are open, observable and justifiable.



Plan transportation. Have two adults present when traveling with a participant(s), and refer to your club travel policy.



Be sensible. Be considerate of the gender of the participant(s) when selecting coaches or volunteers.



Transparent communication. Ensure that all communications are sent to a group and/or include parents/guardians, without one-to-one messaging.

The Rule of Two in virtual settings

In addition to the recommended guidelines, virtual training sessions also entail the following:



Parental awareness. Obtain consent for virtual sessions, plus inform parents of activities that will occur.



Record each session and they should be in a professional setting (not a bedroom).



Weekly debriefing. Encourage regular check-ins with parents, coaches, and participants about the virtual training.

Whether you are a coach, participant, parent, or volunteer, we are all on the same team to make sport safe and fun for everyone.



Keep Sport Safe, Smart and Secure

For more information, visit
coach.ca/RCM



CHAPTER 5 – Confidentiality

21. CONFIDENTIALITY POLICY

21.1 Individuals and Organizations may have access to Confidential Information. Confidential Information includes:

- a) Personal Information or Protected Information about Individuals or Organizations as defined in the Organization's Privacy Policy;
- b) Information that is not known or available to the Individual or Organization on a non-confidential basis prior to its disclosure to the Individual or Organization including financial information, strategic plans, intellectual property, and information related to the programs, business or affairs of the Organization or any Individual; and
- c) Information that is not known or available to the general public other than as a result of disclosure by the Individual or Organization.

21.2 Individuals and Organizations have a duty to take reasonable steps to secure Confidential Information and to not disclose such Confidential Information, including once the Individual ceases to work, provide services, or volunteer for the Organization. Individuals must not use information that is gained due to his or her relationship with the Organization for personal profit, or in order to further any personal, private or public interest.

21.3 Any intentional or negligent disclosure of Confidential Information to persons who the Individual or Organization knew, or ought to have known, should not have received the Confidential Information, or misuse of such Confidential Information, may result in sanctions under this Policy or the Organization's Discipline and Complaints Policy, as applicable.

21.4 Individuals and Organizations are required to maintain any information related to any Harassment, Discrimination, and Maltreatment Complaint, any other Complaints or appeals or other disputes strictly confidential unless authorized under other Organization's policies or bylaws. Any breach of such confidentiality reported to the Independent Complaints Assessor (ICA) or BCAS Case Manager or Sport Integrity Unit as a breach of this obligation by the Individual and Organization may result in an immediate sanction.

CHAPTER 6 – Conflict of Interest

22. CONFLICT OF INTEREST POLICY

Individuals and the Organizations subject to the Organizations’ Conflict of Interest Policy are expected to respect and comply with the Organizations’ Conflict of Interest Policy and act in the best interests of the Organization by avoiding conflicts of interest. They must avoid situations where their personal interests or the personal interests of their Related Parties could interfere or may conflict, directly or indirectly, with their obligations to the Organizations.

22.1 *Introduction*

22.1.1 BC Artistic Swimming or Affiliated Clubs and Organizations (also identified as “Organization(s)”) must be impartial and fair in our dealings with Registrants, suppliers, and the general public. Their trust, confidence, and support of the Organizations’ goals and objectives are necessary if we are to do our job well. Members of the Organizations’ Board of Directors, Committee members, staff, representatives, and decision makers must ensure that their interests, or those of people close to them, do not conflict with the impartial performance of their duties. Any potential, real or perceived, conflict between an individual’s interests, and those of the Organizations, must be resolved in favor of the Organization.

22.1.2 Individuals defined in section 9.3.3.1 of this Policy are obligated to act in the best interests of the Organizations and to avoid conflicts of interest. Individuals must avoid situations where their personal interests or the personal interests of their Related Parties could interfere or may conflict, directly or indirectly, with their obligations to the Organizations.

22.1.3 Even if the Individual does not have an actual conflict of interest, if other people reasonably perceive one, they may still be concerned that the Individual cannot act properly. For this reason, it is important to avoid the appearance of a conflict, as well as an actual one. Being seen or thought to be in a conflict of interest can damage the reputation of the Individual and the reputation of the Organizations.

22.1.4 For clarity, Conflicts of Interest may be real, perceived, or apparent as defined in this Policy.

22.2 *Purpose of Policy*

22.2.1 This Policy is aimed at avoiding conflicts of interest within Organizations and maintaining fair and ethical interactions between and among those who work, volunteer, and do business with the Organizations.

22.2.2 The Organization is incorporated and governed by the BC Society’s Act in matters involving a real, perceived, or apparent conflict between the personal interests of a director or officer (or other

Individuals involved in a decision making or decision influencing roles) and the broader interests of the Organization.

22.3 Application

22.3.1 This Conflict of Interest Policy shall apply to all Affiliated Organizations, Club Executives, committee members, staff, representatives, decision makers of the Organization and any persons holding an official role or authority within the Organization.

22.4 Definition and Situation of Conflict of Interest

22.4.1 Conflicts of interest may arise in situations involving:

- a) An interest, either real, perceived, or apparent, that benefits the Individual or a Related Party including where:
 - i. A pecuniary interest is derived;
 - ii. Preferential treatment is given;
 - iii. There is interference in the decision-making process; or
 - iv. Personal advantage of any kind may be derived.
- b) Outside organizations with which the Individual has an official governing responsibility, or which employ the Individual or a Related Party;
- c) The individual having a financial interest in the outside organization; or
- d) Real, perceived or apparent potential to compromise the best interests of the Organizations.

22.4.2 Examples of situations that could give rise to a pecuniary conflict of interest include, but are not limited to:

- a) Having a personal interest that could lead to being influenced in the way that the Organization's duties are carried out; or could lead a reasonable third party to think that the way the Organization's duties are carried out could be influenced by a personal interest; or
- b) A family member, relative, friend, associate, or any Board member or any other related Parties close to an Individual having a personal interest that could lead to being influenced in the way that Organization's duties are carried; or could lead a reasonable third party to think that the way Organization's duties are carried out could be influenced by a personal interest.

22.4.3 Examples of situations that could give rise to non-pecuniary conflicts of interest include, but are not limited to:

- a) Having the responsibility for hiring a consultant, where one of the applicants is a good friend;
- b) Supporting proposals from a club where the decision-making person spends a good deal of their leisure time;
- c) Supporting proposals from groups of people or individuals with whom the decision-making person has regular personal contact, e.g., family members
- d) Not only must actions be free from any conflicts, but decision-making persons must also ensure that they are seen to be free from any conflicts of interest. It is therefore important that what other people might think of the situation is considered. These other people could include, for example, potential suppliers, other sport organizations, fellow Board members or staff, if applicable, and members of the public.

22.4.4 In this Policy, a Related Party means and includes a close family Member, a relative or friend, associate, a person under its care or responsibility, a close client, partner, a corporation controlled by any Individual governed by this Policy or any corporation or enterprise in which such Individual has a significant interest.

22.5 *Managing, Declaring Conflicts of Interest*

22.5.1 This Policy does not identify conflicts of interest but provides a basis to manage such situations as they arise.

22.5.2 If an Individual finds themselves in a conflict of interest or a situation where they believe that others may perceive them to be in a position of conflict, the Individual must declare the conflict immediately so that action can be taken to resolve the situation. This is the best way for interested Individuals to protect themselves and their reputation for honesty, fairness and objectivity.

22.6 *Declaring a Conflict of Interest*

22.6.1 Individuals must take one of these steps to declare a conflict of interest:

- a) Verbally report the conflict of interest to the Executive Director or President or to the directors or committee members at a board of directors or committee meeting. This verbal declaration should be followed up with a written declaration or documented in the Minutes of any Board of Directors or committee meetings; or
- b) Disclose the conflict of interest in writing by sending a letter to the Executive Director or President or other person designated by the Organization;
- c) In the case of officials, disclose the conflict of interest in writing by sending a letter to the Chair of the Officials Committee.

22.7 *Managing Conflicts in Decision-Making*

22.7.1 Decisions or transactions that involve a real or perceived conflict of interest that have been disclosed by the Interested Individual may be considered and decided upon provided that:

- a) The nature and extent of the conflict of interest has been disclosed fully to the body that is considering or making the decision, ideally with proper advance notice, and this disclosure and how it was managed is recorded in the minutes;
- b) The Interested Individual is not included in the determination of quorum for the proposed decision or transaction; and
- c) The Interested Individual removes themselves from discussion on the matter and abstains from voting on the proposed decision or transaction.

22.7.2 Minor conflicts of interest can be managed simply by disclosing them. If the Executive Director or the President or the other directors or committee members at a board of directors or committee meeting agree unanimously that the conflict is minor, the Interested Individual can continue to participate in the decision.

22.7.3 More serious conflicts of interest will require the Interested Individual to temporarily recuse him or herself from meetings and to not participate in any formal discussion on the matter giving rise to the conflict of interest. The Interested Individual must not attempt to learn about, provide

information or otherwise influence the discussion or voting on a decision or transaction, either formally at a board or committee meeting or informally through private contact, communication or discussion, except as provided below:

a) On the unanimous request of the body that is considering or making the decision, the Interested Individual may present information or respond to questions relating to the decision or transaction.

22.7.3 To avoid the appearance that the Organization is giving Interested Individuals an advantage, the body that is considering or making the decision should:

a) If applicable, ensure that alternate bids or estimates have been obtained; and

b) Determine by a majority vote that the transaction is fair and reasonable and in the Organization's best interest.

22.7.4 In situations where an Individual's objectivity and ability to carry out his or her duties and responsibilities with the Organization are hindered by ongoing conflicts of interest, the Individual should offer to resign from their position.

22.8 Recognizing When Others are in Conflict

22.8.1 Where an Individual believes that another Individual has an actual or reasonably perceived conflict of interest that has not been declared, they have a responsibility to take one of these steps:

a) Inform the Executive Director or President or the directors or committee members at a board of directors or committee meeting, as appropriate, of the potential conflict of interest; or

b) In the case of officials, inform the Chair of the BC Officials Committee or the event's referee.

22.8.2 Pointing out a potential conflict of interest is not an accusation, it is merely looking out for fair decision making in the best interests of the Organization.

22.9 Benefits, Entertainment and Gifts

22.9.1 Individuals must not solicit or accept benefits (excluding normal remuneration and benefits afforded to employees or contractors), entertainment or gifts (collectively "Gifts") in exchange for or as a condition of the exercise of their duties, or as an inducement for performing an act associated with their duties or responsibilities with the Organization. Similarly, Individuals must not give away Gifts on behalf of the Organization in exchange for, or as a condition of, any benefit for the Organization or the Individual.

22.9.2 It is the responsibility of the Individual to ensure that a gift, whether received or to be given, is proper. If in doubt, the Individual should consult with their immediate supervisor or a Person in Leadership.

22.10 Outside Business Activity

22.10.1 An employee or person under contract with the Organization or a Member Club may undertake an outside business activity if there is no conflict of interest and if the satisfactory performance of the employee or contractor's job functions with the Organization is not prejudiced in any way. Such activities include an outside business interest, directorship or outside employment. In addition, the following rules apply:

-
- a) The employee or contractor should not engage in any activity likely to compromise the reputation of the Organization or a Member Club;
 - b) The employee or contractor should not conduct outside business or volunteer work on the Organization's time or use information, equipment or facilities to conduct an outside business or volunteer interest. This includes soliciting other Individuals to participate in an outside business activity; and
 - c) Before taking on or continuing an outside business interest or committing to a job outside the Organization, this should be discussed with the Executive Director or President to be sure these activities do not create a conflict or the appearance of a conflict.

22.11 Officials

22.11.1 All officials are obligated to avoid situations where their or their Family Members' personal interests could conflict with behaviour expectations for officials or otherwise call their integrity into question.

22.11.2 When possible, officials will not be selected for events or competitions where they have a conflict of interest. When Officials with a conflict of interest are selected for events, the conflict must be declared to the Chief Referee in advance of the event.

22.11.3 The following categories of people are deemed to have a conflict of interest at the beginning of the competitive season (or as they arise) to the BC Official's Committee or Event Manager in the manner prescribed by CAS, BCAS or the Member Club, as applicable, and withdraw from events or competitions when appropriate:

- a) A Family Member of a competitor (Family Member is defined as a parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, child or step-child);
- b) A current Coach of a competitor or a Family Member of a Coach of a competitor;
- c) A Club Manager of a competitor or a Family Member of a Club Manager of a competitor;
- d) A Team Manager of a competitor or a Family Member of a Team Manager of a competitor; and
- e) A member of the Board of a competitor's club, or a Family Member of a member of the Board of a competitor's club.

22.11.4 Conflicts of interest related to officials at the Organization's competitions will be managed with the guidance of the CAS Conflict of Interest Identification, Prevention, and Management for Officials.

22.11.5 Conflicts of interest for officials will be managed with appropriate remedial risk reduction actions and the Monitoring of Risk Reduction Actions as outlined in the CAS Conflict of Interest Identification, Prevention, and Management for Officials.

22.12 Board and Committee Members

22.12.1 The Organization's or Affiliated Organization's board and committee members must not allow their loyalty to the Organization to be compromised by their relationship to or involvement in another organization.

22.12.2 Board and committee members are also subject to prohibitions set out in their By-Laws.

22.12.3 Board and committee members must acquaint themselves with the Organization's By-laws and sign any related certification. Board and committee members may not be remunerated for their services or obtain loans from the Organization

22.13 *Preferential Treatment*

22.13.1 Individuals must not act in their official roles with the Organization to assist other organizations or persons in their dealings with the Organization, if this may result in, or potentially appear to result in, preferential treatment.

22.14 *Violations of the Conflict of Interest Requirements*

22.14.1 Any failure by Individuals to disclose actual or possible conflicts of interest may result in sanctions under this Policy, or Organization's policies, By-Laws or applicable legislation.

CHAPTER 7 – Equity, Diversity, and Inclusion

23. EQUITY, DIVERSITY AND INCLUSION POLICY

23.1 *Statement of Commitment*

The Organizations is committed to promote the benefits, principles and opportunities of equity, diversity and inclusion (EDI) in all of their its activities. All Individuals and Organizations share a responsibility to provide a sport and work environment that fosters the values contemplated in the Organization’s Equity, Diversity and Inclusion Policy and will ensure that they are key considerations when setting policies and developing, updating or delivering their programs.

23.2 *Definitions*

The following definitions shall apply in the context of the Equity, Diversity and Inclusion Policy:

- a) **“Activity”** – All business and activities of the Organization;
- b) **“Affiliated Organization”** – Any recreational or competitive club or league that delivers artistic swimming programs and has fulfilled the requirements of registration as required by CAS and BCAS and has paid any associated registration fees to CAS and BCAS;
- c) **“Board”** – The Board of Directors of CAS, BCAS or Affiliated Organization, as applicable;
- d) **“CAS”** – Canada Artistic Swimming;
- e) **“Coach”** – Any person who instructs figures or routines on a regular basis and includes Instructor, which is a specific level of coach who teaches the AquaGO! or other recreational programming;
- f) **“Confidential Information”** – Information known to the Individual by virtue of their connection to the Organization, whether or not marked “confidential”;
- g) **“Family Member”** – A spouse, partner, natural or adoptive parent, grandparent, child or step-child, sibling, aunt, uncle, nephew or niece, the parents or close relatives of a spouse or partner, people who are in an intimate relationship and people who permanently reside together or are financially dependent on each other;
- h) **“Good Faith”** – the general presumption that all parties will deal with each other honestly;
- i) **“Including”** – Including but not limited to;
- j) **“Member”** – Any PTSO registered with CAS;
- k) **“Officials”** – All judges including practice judges, referees and scorers;
- l) **“Organization”** – The organization to which the Policy applies and includes CAS and its Members and Affiliated Organizations;
- m) **“PTSO”** – A Provincial or Territorial Sport Organization that is responsible for the management of artistic swimming within its provincial or territorial boundaries;
- n) **“Registrant”** – Any individual or Affiliated Organization that has fulfilled the requirements in the CAS and BCAS By-Laws and of registration as required by CAS and BCAS and has paid any associated registration fees to CAS and BCAS;
- o) **“Underrepresented group”** – Describes a subset of a population that holds a smaller percentage within significant subgroup than the subset holds in the general population. In Sport, research shows that underrepresented groups include: women and girls, persons with disabilities, LGBTQI2S community, marginalized youth, Black, Indigenous and People of Colour (BIPOC), socio-economically disadvantaged people, newcomers to Canada, rural, remote and isolated regions, and older adults;
- p) **“Vulnerable person”** – A person who, because of age, disability, or other circumstances, whether temporary or permanent is in a position of dependence on others or is otherwise at a greater risk

than the general population of being harmed by a person in a position of authority or trust relative to them including minors and people with physical, developmental, or other disabilities.

23.3 Purpose

23.3.1 This Policy will:

- a) Promote the benefits, principles and opportunities of equity, diversity and inclusion (EDI) within the Organization and with all partners and stakeholders.
- b) Place athlete, coach, official, staff, and volunteer health and well-being at the forefront of all decisions, thus putting the person first over any outcome.
- c) Encourage individuals of all demographic groups, particularly those of underrepresented groups, and all genders, to become involved in the sport of artistic swimming as athletes, coaches, officials, volunteers, staff, supporters and spectators.
- d) Create environments that welcome everyone to the sport of artistic swimming. Welcoming environments will help to increase the diversity of individuals and organizations involved in artistic swimming.
- e) Ensure that the Organization serves as an example to the sport community, investing in programs that seek to promote, celebrate, and recognize diversity in society overall.

23.4 Application

23.4.1 This Policy applies to all of the following:

22.4.1.1 the Organization and all of its registrants;

22.4.1.2 Employees and anyone under contract with the Organization, or an Affiliated Organization and anyone attending the Organization's offices or other workplaces for work or training-related purposes. This includes all persons working with teams or athletes, including coaches, medical and paramedical personnel and other support persons.

23.4.2 This Policy applies at all times, wherever an Activity takes place, which includes the Organization's offices as well as external locations in Canada and abroad.

23.4.3 This Policy also applies to conduct outside of the Organization's Activity when such conduct adversely affects relationships within the Organization and its work and sport environment or is detrimental to the integrity, image or reputation of the Organization. Such applicability will be determined by the Organization at its sole discretion.

23.5 Principles of Equity, Diversity and Inclusion

23.5.1 The Organization recognizes that discrimination, prejudice, or harassment based on personal attributes, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, is contrary to human rights principles and will not be tolerated. The Organization is fully committed to implementing inclusive rules, policies and practices that ensure all people are able to participate in a safe, open, and welcoming environment in our sport.

23.5.2 Equity is demonstrated by treating people fairly. This is promoted by removing barriers and by the creation of accessible and respectful environments, including any reasonable accommodations required to allow equal opportunities, equal access, and equal benefits to participate so that people can achieve their personal potential in the sport of artistic swimming.

23.5.3 Valuing diversity means respect and appreciation of differences in individuals and in groups and honouring and upholding human rights. It also means valuing various points of view and being open to new and different ideas.

23.5.4 Inclusion ensures that everyone feels welcome, comfortable, and that they belong.

23.6 Commitments

The Organization commits to the following EDI efforts:

- a) Develop a working group or committee tasked to improve and address areas of EDI that are lacking within artistic swimming in BC.
- b) Conduct an internal audit of the Organization and the programs of its Members and Affiliated Organizations with an EDI lens.
- c) Conduct an annual review of the Organization's Technical Package to ensure rules in place for each season will support a culture of inclusion.
- d) Schedule a regular review of registration policies to ensure policies are inclusive.
- e) Develop and maintain a resource bank of education materials of topics related to EDI on the Organization's website. The resource bank will be reviewed regularly (at a minimum annually) for new information and broken links.
- f) Ensure registration forms and processes include inclusive language regarding self-identification.
- g) Consult representatives from under-represented groups when developing programs and policy that will directly affect their participation in the sport of artistic swimming in BC.
- h) Address concerns of EDI within all educational and promotional materials.
- i) Share learnings and best practices in equity, diversity and inclusion with members to strengthen EDI initiatives within artistic swimming in BC.

23.7 Resolving Issues in Relation to EDI

23.7.1 Should an individual feel they have been subject to, or believe another person has been the victim of, discrimination, bullying, harassment, abuse or sexual harassment, they should take appropriate action through the CAS Discipline and Complaints or other applicable Policy.

- a) Issues may be identified by an individual through personal experience.
- b) Issues may be identified by another individual if they have reasonable evidence that another individual has experienced an EDI issue.
- c) In both cases, it is assured that there will be no reprisals for those making a good faith complaint.

23.8 Education and Communication

23.8.1 The Organization and Affiliated Organizations will ensure this Policy is well publicized, including on Organization websites. Information should be included in all relevant training materials to ensure use.

23.8.2 The Organization and Affiliated Organizations will ensure that this Policy is communicated to those who will be responsible for implementing and upholding it.

23.9 Review

Though the Organization has made every effort to use the most up-to-date language to reflect diversity and inclusion, the field is ever changing and the language in this policy may be out of date from time to

time. The Organization will conduct a review of this Policy as decided by its Board. Every time the Policy is reviewed or amended, registrant input will be considered. This policy will additionally be reviewed as changes in the EDI landscape occur.

24. TRANS INCLUSION POLICY

This policy is informed by the recommendations of the Canadian Centre for Ethics in Sport, as detailed in “Creating Inclusive Environments for Trans Participants in Canadian Sport”, the Basketball Nova Scotia Trans Inclusion Policy & the Ontario Volleyball Association Trans Inclusion Policy. The Organization also sought advice, recommendation, and guidance from Christine Hsu at Challenge Accepted.

24.1 **Our Commitment to Diversity and Inclusion:**

Sport inclusion is a fundamental value for the Organization and a True Sport principle. We also recognize that having a more diverse organization will only strengthen our sport. As a result, our organization is fully committed to providing a safe, supportive, and respectful environment for all individuals, members, and staff regardless of any differences based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity and expression, or disability.

The Organization recognizes that discrimination, prejudice, and victimization based on personal attributes, including gender identity and expression, is a violation of human rights and will not be tolerated. Our organization is fully committed to putting in place policies and practices that ensure trans identities can participate in a safe, supportive, and respectful environment in our sport.

Recognizing that the work of inclusion continues to evolve, this policy is a living document that will shift regularly as the sport community culture and environment changes. Regular updates will be made to ensure alignment with the needs of sport and individuals to guarantee a safe and welcoming environment. In the event this policy is not updated or aligned with a particular shift or inclusion best practice, the foundational principles and common sense supporting diversity, inclusion, and welcoming and safe spaces will prevail.

24.2 **Definitions:**

“*Individual*” refers to and includes an employee, coach, volunteer, athlete, individual, or parent/spectator.

- a) **Gender** refers to the socially constructed roles, behaviours, activities, and attributes that a society assigns to masculinity or femininity depending on the time and place of consideration.
- b) **Gender Binary** means a social system whereby people are thought to have either one of two genders: man or woman. These genders are expected to correspond to sex assigned at birth: male or female. In the gender binary system, there is no room for diversity outside of man or woman, for living between genders or for crossing the binary. The gender binary system is rigid and restrictive for many people who feel that their natal sex (biological sex they were labelled at birth) does not reflect their gender expression or gender identity.
- c) **Gender Expression** means the way an individual communicates their gender identity to others. This is done through behaviour, body language, voice, emphasis or de-emphasis of bodily characteristics, choice of clothing, hairstyle, and wearing make-up and/or accessories. The traits and behaviours associated with masculinity and femininity are culturally specific and change over time. How a person chooses to express their gender(s) is also determined by how safe an environment is.
- d) **Gender Identity** means a person’s innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. Gender also refers to a variety of social and behavioural characteristics (e.g. appearance, mannerisms). There are lots of words people may use to talk about their gender identity and expression.

- i. **Cis or cisgender** is a term to describe a person whose gender identity corresponds with the biological sex assigned at birth in alignment with the dominant social expectations (e.g. someone whose gender identity is man and was assigned male at birth).
 - ii. **Trans or transgender** is an umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective) or gender non-conforming (gender diverse or nonbinary).
 - iii. **Gender Confirmation/Affirmation Surgery** refers to medically-supervised program of treatment to transition a person's body to align with their gender identity through hormone therapy and/or surgery. Not all trans people need, want, or have access to gender confirmation/gender affirming hormones or surgeries, but that doesn't make their identity invalid.
 - iv. **Transgender Woman/Girl** (including trans female, trans femme, trans woman or trans feminine) is someone who was assigned the male sex at birth, but whose gender identity is female.
 - v. **Transgender Man/Boy** (including trans male, male, trans man, trans masc or trans masculine) is someone who was assigned female sex at birth, but whose gender identity is male
 - vi. **Gender fluid** means those who identify outside the categories of woman/man, those who see their gender identity(ies) as fluid and moving between different genders at different times in their life. "Genderqueer" and "gender diverse" are increasingly common terms used to identify this fluidity.
- e) **LGBTQ2S** is an umbrella acronym for lesbian, gay, bisexual, trans, queer, intersex, and two-spirit. Other acronyms commonly used are 2SLGBTQI, LGBTQ+ and LGBTQ2.
 - f) **Two-spirit** is an English umbrella term coined and used by Indigenous people rather than, or in addition to, identifying as LGBTQ. This term affirms the interrelatedness of all aspects of identity - including gender, sexuality, community, culture, and spirituality.
 - g) **Sex** refers to the biological classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive system, hormones, chromosomes, and other physical characteristics, most notably by external genitalia.
 - i. **Intersex** is an umbrella term used for a variety of situations in which a person is born with reproductive or sexual anatomy that doesn't fit the boxes of typically "female" or "male." There are 30 most common variations of intersex and 1 in 200 are of the experience.
 - h) **Sexual Orientation (Attraction)** describes human sexuality – the ways in which a person may or may not experience feelings of attraction. A person's gender identity is fundamentally different from and not related to their sexual orientation. Because a person identifies as trans does not predict or reveal anything about their sexual orientation. A trans person may identify as gay, lesbian, queer, straight, or bisexual.

24.3 *Scope and Application*

This policy and practice guidance applies to the Organization as follows:

- It shall be binding on the Board of Directors,
- It shall be binding on all staff, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff,
- It shall inform all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; toilet arrangements, workload; workplace environment; equipment and transport,
- It shall be binding on all volunteers and interns acting in their designated capacity with our organization, for example, as a member of a formal Committee or ad hoc working group, or at a

specific sporting event provided the volunteer or intern has expressly agreed to become subject to it,

- It shall inform all aspects of participation in our sport, including team selection and participation, membership, and service delivery (such as providing coaching services to individuals),
- It shall be applicable whether the individual is on-site, off-site or performing after-hours work; at work-related social functions or at conferences – wherever staff or volunteers or interns may be as a result of their duties, and
- It shall govern the treatment of other staff, members (including athletes, coaches and officials), clients and the public encountered in the provision of services and other organizational duties.

24.4 Guiding Principles

The Organization was guided by the following principles in developing our policy and practice guidance on trans inclusion in our sport:

24.4.1 People of trans identities should have equal opportunities to participate in our sport and strive for excellence at all levels and in all capacities. This should be done through challenging existing cultures that uphold existing barriers rooted in misogyny, transphobia, cissexism, and binarism as well as other intersecting systems of oppressions.

24.4.2 Policies governing participation of trans identities should prioritize safety and access, and nurture fair play, honesty and respect, and integrity.

24.4.3 Policies governing participation of trans identities in our sport should embrace diversity and inclusion, resulting in a positive sporting experience, free of discrimination or harassment based on gender identity and expression. This will be done through:

- The establishment of a special committee to address Equity, Diversity & Inclusion within the artistic swimming community in BC.
- A review of international, national and provincial policies that hinder equitable, diverse, inclusive, and safe artistic swimming environments.
- The development of new or revised rules, policies and procedures that foster equitable, diverse, inclusive, and safe artistic swimming environments.
- The development and delivery of education and training programs to support ongoing member engagement in matters related to equity, diversity, and inclusion.

24.4.4 Participation in our sport should prioritize sense of belonging and feelings of safety and connectedness that can lead to celebrating differences and focus on the benefits and the joy of sport.

24.4.5 Policies governing the participation of trans people, particularly for our athletes, should be evidence-based and informed by the voices of trans peoples, recognize the necessity to protect the privacy rights of trans individuals, and strive to prevent physical, emotional and mental harm.

24.4.6 Policies governing the participation of trans people should foster access and equitable participation for all individuals.

24.4.7 Practices that encourage understanding and support people of trans identities need to be enhanced to acknowledge the challenges and recognize the value of advocating for sport that is fair, safer and open to everyone.

24.5 Purpose

The Organization believes in accessible opportunities and recognizes all forms of gender expressions and gender identities. Therefore, the Organization supports athletes competing in the gender category they identify with and/or the category that best suits the athletes' needs, regardless of the sex/gender that was assigned to them at birth. The Organization will consider the eligibility guidelines set out in this policy in order to ensure a fair and level playing field for all individuals.

24.6 Supporting the Inclusion of Transgender/Trans Individuals

- 24.6.1 The Organization is an inclusive organization and welcomes participation of all individuals in our programs and activities, irrespective of race, ancestry, place of origin, colour, religion, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or physical or mental disability.
- 24.6.2 The Organization supports full inclusion of transgender individuals in all aspects of Artistic Swimming.
- 24.6.3 Processes for reporting incidents can be found in the Organization's Conduct Policy.
- 24.6.4 Issues relating to this policy can be brought to the Organization's leadership for review by the Board of Directors.

24.7 Eligibility Guidelines

Athletes shall be allowed to participate in any sanctioned event in accordance with their gender identity(ies), irrespective of the gender or sex listed on their birth certificate or other official government documents, and regardless of whether they have undergone any medical treatments. It is not up to anyone to question any athletes' gender. If someone has indicated that they identify as a man/boy, woman/girl, or any way that are associated with the aforementioned, it is of utmost importance to honor what they have communicated. It does not matter what sex they were assigned at birth and it is private information that one should not be expected or demanded to share.

24.8 Genderfluid and Non-Binary Athletes

The Organization recognizes that not all people identify within the gender binary as either man or woman. Additionally, not everyone experiences their gender identity as constant. Therefore, the above policy guidance should apply equally to genderfluid or non-binary individuals. These individuals will be able to participate in the category of competition with which they feel most comfortable and safe, which may not be the same in each sport or consistent in subsequent seasons. Most importantly, genderfluid and non-binary athletes must have their pronouns, name(s), and gender respected by teammates, coaches and any and all other team personnel while having to choose a binary option. Respect in this instance is based on how the athlete would like to be treated and it is critical to engage meaningfully with the athlete on how to best support their experience in the sport.

24.9 Facility Use – Washrooms and Changerooms

Participants may use washroom and change room facilities that are deemed the safest and most accessible to them. This may mean facilities that are most gender affirming to the participant, if available and accessible. The Organization recommends provision of gender-neutral facilities where available. This requires being proactive to retro-fit the existing spaces if they are gendered and use temporary signs to ensure a gender neutral space is available ahead of time.

24.10 Disclosure

Disclosure of an individual's trans identity(ies) is that individual's choice. While the Organization is entirely supportive of trans athletes' participation and welcomes disclosure where an individual prefers, disclosure of gender identity(ies) is not a requirement of participation. Such disclosure should not be sought of any Individual by any Individual.

24.11 Confidentiality

The Parties agree that they will not at any time disclose information identified by the other party as confidential to any person, corporation or third party and will make no use whatsoever of any information identified as confidential (other than in the ordinary and usual course of implementing this policy) without the prior written consent of the disclosing party, unless required by law. There needs to be consent given by the participant at any point in any process for any information to be shared beyond the informed contexts. Procedures that require providing gender identity information and names are to be reviewed for the purpose of gathering such information in order to ensure that if there are changes to names and gender(s), those are to be made completely confidential and not to be shared. For people who have not had their ID documentation changed to their current names, there needs to be a section for participants to provide this information and they are to be informed explicitly who would have access to this information to make the consenting process accessible.

24.12 Appeal

Any decision rendered in accordance with this policy may be appealed in accordance with the Organization's Appeal Policy.

24.13 Review

The Organization commits to monitoring ongoing developments regarding national and international participation guidelines for transgender athletes and pledges to review and/or revise this Policy whenever new information becomes available, and at a minimum every 3 years.

CHAPTER 8 – Discrimination, Harassment & Maltreatment

25. DISCRIMINATION, HARASSMENT AND MALTREATMENT POLICY

25.1 Definitions

The following definitions shall apply in the context of the Discrimination, Harassment and Maltreatment Policy:

- a) **“Activity or Event”** means day to day CAS, BCAS or Affiliated Organization’s events, activities including conferences, meetings, workshops, teams’ meetings, exhibitions, competitions, trials or selection events, training camps and any other events, activities sanctioned or organized by the Organizations.
- b) **“Affiliated Organization”** means any recreational or competitive club or league that delivers artistic swimming programs and has fulfilled the requirements of registration as required by CAS or BC Artistic Swimming and has paid any associated registration fees to CAS and/or BCAS. May also be referred to as Member Clubs.
- c) **“Athlete”** means any adult or Minor participating in the sport of artistic swimming, for recreational enjoyment or competitive purposes, who is registered with CAS, BCAS, and an Affiliated Organization.
- d) **“Club”** means an artistic swimming club affiliated with CAS or BCAS identified also as an Affiliated Organization.
- e) **“Coach”** means an individual certified by the Coaching Association of Canada (“CAC”) and registered with CAS or BCAS as an artistic swimming coach.
- f) **“Complainant”** means an Individual, a witness or observer who files a Complaint or reports and Incident or suspicions of conduct of Discrimination, Harassment or Maltreatment.
- g) **“Complaint”** means a complaint filed with the CAS Independent Complaint Assessor, the BCAS Complaint triage officer or provincial Sport Integrity Unit in accordance with the applicable Discipline and Complaint Policy and Procedure.
- h) **“Conduct Policy”** means the Organizations’ Conduct Policy and any other code of conduct provisions embodied in agreements with the Organization.
- i) **“Discrimination”** means unlawful discrimination including but is not limited to, discrimination on the basis of race, colour, national place of origin, ancestry, sex (including pregnancy), religious beliefs, age, physical or mental disability, sexual orientation, gender identity or expression, family or marital status, or any other ground or characteristic protected under applicable provincial human rights legislations.
- j) **“Employee”** means a person having an employment or contractual relationship with CAS, BCAS or Affiliated Organizations.
- k) **“Grooming”** means deliberate conduct by an Individual 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 Individual 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.
- l) **“Harassment”** means an unwelcomed comment or conduct, directed toward an Individual or group of Individuals, which is aggressive, insulting, intimidating, humiliating, malicious, degrading, or offensive. Types of behaviors which constitute Harassment include, but are not limited to:
 - i. written or verbal abuse or threats including swearing

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- ii. intimidating or bullying conduct or gestures
 - iii. the display of visual material that is offensive or which one ought to know is offensive derogatory material such as pornography, racist or other offensive material
 - iv. unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation
 - v. leering or other suggestive or obscene gestures
 - vi. condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions or sport environment
 - vii. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
 - viii. unwanted and unwelcome physical contact including touching, petting, pinching, or kissing
 - ix. unwelcome sexual flirtations, advances, requests for sexual favors or invitations whether indirect or explicit
 - x. physical or sexual assault
 - xi. any sexual activity with a Minor
 - xii. vandalism of personal property
 - xiii. Grooming as defined in this Policy
 - xiv. abuse of authority which undermines performance or threatens an individual's career
 - xv. racial, religious, or ethnic slurs
 - xvi. any other unwelcomed behaviours that constitute Bullying or Harassment as determined by the Independent Complaint Assessor (as defined in the CAS Discipline and Complaints Policy and Procedure) at his or her discretion.
- m) **"Independent Complaint Assessor or ICA"** means the independent third party contracted by CAS to manage Complaints and /or Reported Incidents under the CAS Discipline and Complaint Policy and Procedure.
- n) **"Individuals"** means any individual that has fulfilled the requirements of registration as required by CAS or BCAS as well as all individuals engaged on a volunteer or contractual basis in a CAS, BCAS or Affiliated Organization's Activity or Event. Individual includes but is not limited to Registrants, Athletes, Coaches, Employees (subject their applicable HR policy) Officials, volunteers, person in leadership, directors, parents, spectators, team managers, team captains, Support Personnel, contractors and suppliers, as applicable.
- o) **"Investigation"** means an investigation conducted either by the Independent Complaint Assessor, BCAS Case Manager, provincial complaint triage officer, provincial Sport Integrity Unit, or an external investigator appointed by the ICA or the BCAS Case Manager.
- p) **"Major Infractions"** means infractions described in the Organizations' Policies. Major Infractions are behaviors more severe than Minor infractions that may result into more harm and aggravating consequences. Major Infractions include major breaches of the Organizations' Policies.
- q) **"Maltreatment"** means volitional acts that may be physical or psychological resulting in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in this Policy.
- r) **"Member Club"** refers to an Affiliated Organization.
- s) **"Minor"** means a person in British Columbia under the age of 19 years or, where applicable, a person who is under the age of majority and meets the definition of a child for the purposes of protection in the province or territory.
- t) **"Minor Infractions"** means infractions described in the Organizations' Policies and constitutes breaches that either cause minor or no aggravating consequences or harm as determined by the
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Independent Complaint Assessor, BCAS Case Manager, provincial complaint triage officer, provincial Sport Integrity Unit, or an external investigator appointed by the ICA or the BCAS Case Manager upon receipt of a Complaint of Reported Incident.

- u) “**Officials**” means all judges including practice judges, referees and scorers recognized by FINA, CAS or BCAS.
- v) “**Provincial Territorial Sports Organization or PTSO**” means the CAS recognized provincial and territorial sport organization responsible for artistic swimming in its geographic territory.
- w) “**BCAS Complaint triage officer, Case Manager**” means an independent third party contracted by BCAS to manage Complaints and /or Reported Incidents under the BCAS Discipline and Complaint Policy and Procedure.
- x) “**Registrant**” means any Affiliated Organization or Individual that has fulfilled the registration requirements in CAS or PTSO’s By-Laws and has paid any associated registration fees to CAS or a PTSO.
- y) “**Reported Incident**” means an incident reported with the CAS ICA or the PTSO’s Complaint triage officer in accordance with their applicable Discipline and Complaint Policy and Procedure.
- z) “**Respondent**” means an Individual who is alleged to have engaged in Discrimination, Harassment or Maltreatment and thereby to have violated the UCCMS and the Organizations’ Discrimination, Harassment or Maltreatment Policies.
- aa) “**Sport Integrity Unit**” means an independent third-party organization in British Columbia that managed Complaints and/or Reported Incidents within the provincial jurisdiction.
- bb) “**Sport Partner**” means a sport organization that CAS, a PTSO or Affiliated Organization works with or partners with to deliver its Events and Activities.
- cc) “**Support Personnel**” means any person other than a Coach supporting the development of an Athlete at all LTAD stages including fitness trainer, sport science specialists, health care practitioners and specialists affiliated with or recognized by CAS, BCAS, an Affiliated Organization or a Sport Partner.
- dd) “**Volunteer**” means a person volunteering for CAS, BCAS or an Affiliated Organization including fulfilling the duties and responsibilities of an employee or contractor.

25.2 **Organizations’ Commitment to Safe and Welcoming Sport**

The Organizations aim to provide a working and sporting environment where the dignity of the Individual is respected, free from any form of Discrimination, Harassment, and Maltreatment including sexual Harassment and have adopted a Conduct Policy that reflects that commitment.

25.3 **The Organizations:**

- a) recognize that every Organization’s Athletes, Employee, Volunteer, and Individuals are entitled to a climate free of Discrimination, Harassment, and Maltreatment.
- b) recognize that fear of Discrimination, Harassment, and Maltreatment, including but not limited to sexual, verbal, physical, cyber-Harassment, abuse, bullying and unlawful Discrimination can compromise the integrity of the victim and sporting relationships and endanger personal well-being and participation at all levels.
- c) will make every reasonable effort to ensure that no Athlete, Employee, Volunteer, and Individual is subjected to Discrimination, Harassment, and Maltreatment.
- d) will take such disciplinary action as they deem appropriate against any person or Individual under their direction or leadership that is bound by this Policy and who subjects any Organizations’ Employee, Volunteer, or Individual to any form of Discrimination, Harassment, and Maltreatment.

25.4 **Application**

25.4.1 This Policy applies to all Employees, Volunteers, and Individuals of the Organization, and any other person or Individual involved with the Organization's Events and Activities. It applies to Discrimination, Harassment and Maltreatment which may occur during all Organization's Events and Activities regardless of location.

25.4.2 Situations of Discrimination, Harassment and Maltreatment occurring at the CAS, BCAS, or Affiliated organization's level shall be dealt with in accordance with the applicable policy. In absence of an organization-specific Discrimination, Harassment and Maltreatment Policy, the CAS Discrimination, Harassment and Maltreatment Policy will apply by default and CAS may decide, at its own discretion, to manage the issue in accordance with the CAS Discipline and Complaint Policy and Procedure.

25.5 **Background and Context**

25.5.1 All National Sport Organizations ("NSO") funded by Sport Canada committed to the goal of Safe Sport have agreed that Maltreatment has no place in Canadian sport and, when present, must be sanctioned appropriately. The [Universal Code of Conduct to Prevent and Address Maltreatment in Sport](#) ("UCCMS") adopted by all NSOs comprises definitions, principles, and parameters to prevent and address Maltreatment in sport and ensure a safe and welcoming sport system. CAS, as the National Sport Organization for the sport of artistic swimming recognized by Sport Canada, its Provincial and Territorial Sport Organizations ("PTSO") and Affiliated Organizations (hereinafter identified collectively as the "Organizations") hereby accept and endorse the definitions and principles of the UCCMS. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders and the Organizations.

25.5.2 In addition to committing to the UCCMS, the Organizations shall abide by and respect the FINA Harassment and Abuse rules ("FINA HA Rules) which apply to harassment and abuse situations and incidents occurring during FINA sanctioned events or, as defined in the FINA HA Rules, in Covered Events (a FINA World Championships, FINA Competition, Competition of a Major Event Organisation or any FINA-sanctioned or organized meeting (i.e. FINA Convention, FINA Congress, FINA Development activities, etc.)). The Organizations are responsible to understand and ensure compliance with the FINA HA Rules when applicable. For clarify, the FINA HA Rules will not apply outside of the Covered Events (as defined above) and, as such, situations and incidents occurring at non-Covered Events such as at CAS, BCAS or Affiliated Organizations' Events and Activities will be governed by this Policy.

In addition, the Organization adopts and accepts all the language contained in the [BC Universal Code of Conduct](#). An individual who violates the BC UCC may be subject to sanctions pursuant to the Discipline and Complaints Policy.

25.5.4 The Organization agree and is committed to ensure that their Events and Activities shall be free of any form of Discrimination, Harassment or Maltreatment.

25.6 **Common Understandings**

25.6.1 The Organizations agree, accept, and endorse the following common understandings:
a) All Individuals in sport can expect to play, practice, and compete, work, and interact in an

environment free from Discrimination, Harassment and Maltreatment.

- b) Addressing the causes and consequences of Discrimination, Harassment and Maltreatment is a collective responsibility and requires the deliberate efforts of all Individuals, sport stakeholders, sport club administrators and Organization leaders.
- c) Individuals in positions of trust and authority have the general responsibility to protect the health and well-being of all other Individuals.
- d) Adult Individuals have a specific ethical and statutory duty and the additional responsibility to respond to incidents of Harassment or Maltreatment involving Minors and other Vulnerable individuals.
- e) All Individuals recognize that Discrimination, Harassment and Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, religion, 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 Discrimination, Harassment and Maltreatment.
- f) All Individuals recognize that individuals who have experienced Discrimination, Harassment and 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 Minors 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, Individuals 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.

25.7 Confidentiality

25.7.1 The Organizations recognize that it can be extremely difficult to come forward with a Complaint of Discrimination, Harassment and Maltreatment and that it can also be devastating to be wrongly accused of such misconducts. The Organizations recognize the interests of both the Complainant and the Respondent in keeping the matter confidential.

25.7.2 The Organizations will not disclose the existence of a Complaint or situation or Discrimination, Harassment and Maltreatment, the name of the discriminated or harassed person or Individual or the alleged Respondent or the circumstances related to the situation to any person except where disclosure is necessary for the purpose of investigating and /or taking disciplinary action or as required by law.

25.8 Complaint Procedure

25.8.1 A person or Individual who experiences Discrimination, Harassment and Maltreatment is encouraged, when appropriate, to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this Policy.

25.8.2 If confronting the harasser is not possible, or if after confronting the harasser the Discrimination, Harassment and Maltreatment continues, the Complainant may request a confidential meeting with the CAS Independent Complaint Assessor, BCAS Case Manager, or a representative of the Sport Integrity Unit as applicable, for support and guidance.

25.8.3 An Individual who believes that he or she has been the victim or witness of a Discrimination,

Harassment and Maltreatment misconduct has the right

- a) To contact, in full confidence, the ICA, BCAS Case Manager, or Sport Integrity Unit as applicable;
- b) To file a Complaint or Reported Incident under the Organization's Discipline and Complaint Policy and Procedure, without fear of embarrassment or retaliation; and
- c) To contact the appropriate human rights commission, child protection agency or law enforcement authority directly, if deemed necessary or required by law.

25.8.4 A Reported Incident or Complaint of Discrimination, Harassment or Maltreatment will be managed in accordance with the Organization's Discipline and Complaint Policy and Procedure and will be considered as a Major infraction as defined in the Organization's Discipline and Complaint Policy and Procedure unless the ICA, BCAS Case Manager, or Sport Integrity Unit, as applicable, decides otherwise.

25.9 Policy In Concert with Other Policies and Agreements

25.9.1 This Policy shall be read and interpreted with other Organizations' Policies such as but not limited to, the Coach Registration and Certification Policy, the Conduct Policy, the Discipline and Complaint Policy and Procedure and the Equity, Diversity and Inclusion Policy.

25.9.2 This Policy shall be integral part of all Organizations' agreements and be complied with by all Individuals and parties that are signatories to such agreements.

CHAPTER 9 – Discipline and Complaints

26. DISCIPLINE AND COMPLAINTS POLICY

26.1 DEFINITIONS

The following definitions shall apply in the context of the Discipline and Complaints Policy:

- a) **“Case Manager”** – The individual who is appointed to oversee the management of a complaint in accordance with these policies and who provides administrative support to a Discipline Chair and/or Discipline Panel. The Case Manager implements certain procedures described in this *Discipline and Complaints Policy* and ensures the Discipline Chair or Discipline Panel adhere to the timelines set out herein. The Case Manager does not need to be a member of, or affiliated with, BC Artistic Swimming.
- b) **“Complainant”** – The Party alleging an infraction
- c) **“Days”** – Days including weekends and holidays
- d) **“Discipline Chair”** – An individual who serves as the lead arbitrator for discipline and complaint matters reported to BC Artistic Swimming.
- e) **“Individuals”** – All categories of membership defined in BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, conveners, officials, umpires, volunteers, managers, administrators, committee members, Directors and Officers of BC Artistic Swimming, spectators, and parents/guardians of athletes
- f) **“Respondent”** – The alleged infracting Party

26.2 PURPOSE

Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with BC Artistic Swimming’s policies, Bylaws, rules and regulations, and *Conduct Policy*. Non-compliance may result in sanctions pursuant to this Policy.

26.3 DISCIPLINE CHAIR

26.3.1 The Discipline Chair may be a Director of the Board, or a volunteer associated with BC Artistic Swimming, the sport sector, or the Sport Law Connect Program appointed to oversee the discipline process and serve as the lead arbitrator. The Discipline Chair may choose to appoint two (2) additional individuals to form a Discipline Panel and, in this case, decisions of the Discipline Panel will be by majority vote.

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

26.4 APPLICATION OF THIS POLICY

26.4.1 This Policy applies to all Individuals.

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

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- 26.4.3 This Policy also applies to Individuals' conduct outside of BC Artistic Swimming's business, activities, and events when such conduct adversely affects relationships within BC Artistic Swimming (and its work and sport environment) or is detrimental to the image and reputation of BC Artistic Swimming. This Policy may also apply to Individuals' conduct at the discretion of BC Artistic Swimming.
- 26.4.4 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.
- 26.4.5 An employee of BC Artistic Swimming who is a Respondent will be subject to appropriate disciplinary action per BC Artistic Swimming's *Employee Procedures* 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.

26.5 ALIGNMENT

- 26.5.1 BC Artistic Swimming recognizes that Individuals may also be registered with Member Clubs. BC Artistic Swimming requires Member Clubs to submit discipline decisions involving Individuals to BC Artistic Swimming and BC Artistic Swimming, at its discretion, may take further action.
- 26.5.2 If BC Artistic Swimming decides to take further action upon becoming aware of an Individual who has been disciplined by a Member Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. BC Artistic Swimming may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
- 26.5.3 The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Member Club when making a decision on the complaint per the terms of this Policy.

26.6 ADULT REPRESENTATIVE

- 26.6.1 Complaints may be brought for or against an Individual who is a minor (younger than 19 years old). Minors must have a parent/guardian or other adult serve as their representative during this process.
- 26.6.2 Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
- 26.6.3 A minor is not required to attend an oral hearing, if held.

26.7 REPORTING A COMPLAINT

- 26.7.1 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. The complaint should include:
- a) the names of the parties involved
 - b) any witnesses to the incident(s)

- c) the location, date, and time of the incident(s)
- d) details about the incident(s) (behaviour and/or words used)

26.7.2 **Harassment** - 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 BC Artistic Swimming's *Conduct Policy*.

26.7.3 At BC Artistic Swimming's discretion, BC Artistic Swimming may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, BC Artistic Swimming will identify an individual to represent BC Artistic Swimming.

26.8 **MANAGING A COMPLAINT**

26.8.1 Complaints will be managed following one of two processes:

a) Internal Review

The Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour
- ii. Disrespectful conduct
- iii. Minor incidents of physical aggression (e.g., tripping, pushing, elbowing)
- iv. Conduct contrary to the values of BC Artistic Swimming
- v. Non-compliance with BC Artistic Swimming's policies, procedures, rules, or regulations
- vi. Minor violations of BC Artistic Swimming's *Code of Conduct and Ethics*

b) Discipline Panel

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 BC Artistic Swimming's image, credibility, or reputation
- viii. Consistent disregard for BC Artistic Swimming's bylaws, policies, rules, and regulations
- ix. Major or repeated violations of BC Artistic Swimming's *Code of Conduct and Ethics*
- x. Intentionally damaging Organization property or improperly handling BC Artistic Swimming 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

26.8.2 Upon review of a complaint and within five (5) days of receiving the complaint, the Executive Director will determine the appropriate process for managing the complaint.

26.8.3 If deemed to be a matter for Internal Review, the Executive Director will appoint the Discipline Chair in accordance with paragraph 26.3 who will examine the matter in accordance with the timeline and process outlined herein. In such cases as the Executive Director is the Respondent, the Board will appoint a Discipline Chair in accordance with paragraph 26.3.

26.8.4 If deemed to be a matter for a Discipline Panel, unless there is a conflict of interest, the Executive Director will serve as the Case Manager and will appoint a Discipline Chair and, if/when appropriate, a Discipline Panel. If the Executive Director is the Respondent, the Board will appoint another Party as Case Manager. The Discipline Chair may be appointed as Case Manager.

26.8.5 At the discretion of the Executive Director, the Discipline Chair and/or Discipline Panel may be appointed through Sport Law Connect. In such cases as Sport Law Connect is appointed to manage a case, the rules and procedures of the Sport Law Connect program will apply.

26.9 *Managing an Internal Review Complaint*

26.9.1 A Discipline Chair will be appointed within ten (10) days of receiving the complaint. The Discipline Chair should not be in conflict of interest and should have experience in understanding and interpreting policies and procedures.

26.9.2 The Discipline Chair's initial responsibility is to determine whether the complaint is frivolous and/or within the jurisdiction of the *Discipline and Complaints Policy*. The Discipline Chair is required to provide a ruling in this regard within five (5) days of being appointed.

26.9.3 Based on the decision of the Discipline Chair, the following process will be followed:

a) If the complaint is deemed to be unfounded or frivolous, no further action will be taken. A letter will be sent to the complainant advising them of the findings of the Discipline Chair within five (5) days of the ruling.

b) If the complaint is deemed to have merit and to fall within the jurisdiction of BC Artistic Swimming and its *Discipline and Complaints Policy*, the respondents will be advised of the complaint and the allegations made against them and asked to respond to the allegations, in writing, within ten (10) days of being notified of the complaint.

26.9.4 In such cases as the Respondent fails to submit their response in accordance with the established timelines, the Discipline Chair will proceed with rendering a decision based on the information available.

26.9.5 Within five (5) days of receiving the Respondent's response, the Discipline Chair will determine what, if any, sanctions are warranted and advise all parties of the decision.

26.9.6 Records of all sanctions will be maintained by BC Artistic Swimming.

26.10 *Managing a Discipline Panel Complaint*

26.10.1 If necessary, a Case Manager will be appointed within ten (10) days of receiving the complaint. The Case Manager should not be in conflict of interest and should have experience in understanding and interpreting policies and procedures. This is not appealable.

26.10.2 A Discipline Chair will be appointed within ten (10) days of receiving the complaint. The Discipline Chair should not be in conflict of interest and should have experience in dispute resolution and understanding and interpreting policies and procedures. This is not appealable.

26.10.3 The Discipline Chair's initial responsibility is to determine whether the complaint is frivolous and/or within the jurisdiction of the *Discipline and Complaints Policy*. The Discipline Chair is required to provide a ruling to the Case Manager within five (5) days of being appointed.

26.10.4 The Discipline Chair's ruling must also include a recommendation whether to manage the case using a dispute resolution process (see *BC Artistic Swimming Dispute Resolution Policy*), a Discipline Panel consisting of a single arbitrator, or a Discipline Panel of three arbitrators. This is not appealable.

26.10.5 Based on the decision of the Discipline Chair, the following process will be followed:

- a) If the complaint is deemed to be unfounded or frivolous, no further action will be taken. The Case Manager will send a letter to the complainant advising them of the findings of the Discipline Chair within five (5) days of the ruling.
- b) If the complaint is deemed to have merit and to fall within the jurisdiction of BC Artistic Swimming and its *Discipline and Complaints Policy*, the Case Manager will advise the parties of the ruling and the proposed procedures for managing the case within five (5) days of receiving the Discipline Chair's ruling.

26.10.6 In such cases as the Discipline Chair recommends managing the case through a dispute resolution process, all parties must confirm their consent to participate in the dispute resolution process, in writing, within five (5) days of receiving the notice.

26.10.7 In such cases as the parties refuse dispute resolution or the Discipline Chair recommends the matter be managed by a Discipline Panel, the format under which the complaint will be heard must be determined within five (5) days of the Discipline Chair's ruling. 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 Case Manager will advise all parties of the format under which the complaint will be heard within two (2) days of the ruling. This is not appealable.

26.10.8 All parties are expected to make themselves available for the complaint to be heard through Dispute Resolution or by a Discipline Panel within thirty (30) days of the Discipline Chair's ruling on the format under which the complaint will be heard.

26.10.9 All parties shall be given no less than five (5) days' notice of any hearings or meetings related to the complaint. The hearing will follow the procedures outlined herein.

26.10.10 Upon hearing the complaint, the Discipline Chair is to report the outcome of the Dispute Resolution process or the findings of the Discipline Panel to the Case Manager within fourteen (14) days of the decision being made.

26.10.11 The Case Manager will advise all parties of the findings within sixteen (16) days of the hearing.

26.10.12 Records of all sanctions will be maintained by BC Artistic Swimming.

26.11 **Decision**

26.11.1 After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, sanctions to be imposed. The Discipline Panel's written decision, with reasons, will be distributed by the Case Manager to all Parties and BC Artistic Swimming in accordance with the timeline set out herein. 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 with the established timelines. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

26.11.2 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.

26.11.3 Records of all decisions will be maintained by BC Artistic Swimming.

26.12 **Sanctions**

26.12.1 Internal Review

26.12.1.1 Recommended Sanctions

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to BC Artistic Swimming
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all Organization activities for a designated period of time
- g) Any other sanction considered appropriate for the offense

26.12.1.2 Request for Reconsideration

26.12.1.2.1 Sanctions rendered through the Internal Review process may not be appealed until the completion of a Request for Reconsideration.

26.12.1.2.2 The Respondent may contest the sanction by submitting a Request for Reconsideration within ten (10) 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.

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

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

26.12.1.2.5 Should the Discipline Chair not accept the Respondent's suggestion of an appropriate sanction, the Respondent may request that the initial complaint or incident be handled under the Discipline Panel Process of this Policy.

26.12.2 Discipline Panel

26.12.2.1 Recommended Sanctions

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 BC Artistic Swimming
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all BC Artistic Swimming activities for a designated period of time
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from BC Artistic Swimming or from other sources
- i) Expulsion from BC Artistic Swimming
- j) Any other sanction considered appropriate for the offense

26.12.3 Appeals

The decision of a Discipline Panel may be appealed in accordance with BC Artistic Swimming's *Appeal Policy*.

26.13 ***Discipline Panel Procedures***

26.13.1 The Case Manager has a responsibility to:

- a) Appoint a Discipline Chair and a Discipline Panel, if necessary
- b) Coordinate all administrative aspects and ensure the parties adhere to set timelines
- c) Serve as the liaison and communicate with all Parties, as required
- d) Provide administrative assistance and logistical support to the Discipline Panel as required
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

26.13.2 The Discipline Chair has a responsibility to:

- a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- b) Propose the use of BC Artistic Swimming's *Dispute Resolution Policy*
- c) Work with the Case Manager to appoint a Discipline Panel, if necessary
- d) Adhere to the set timelines
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

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- f) Following a hearing or decision, provide a clearly written report outlining the Discipline Panel's decision and the rationale for the decision as well as the sanctions to be imposed

26.13.3 The hearing will be governed by the procedures that the Discipline Chair and/or Discipline Panel deem appropriate in the circumstances, provided that:

- a) In the case of an oral in-person hearing or an oral hearing by telephone or other communication medium, the Parties are given notice of the day, time, and place of the hearing as prescribed herein
- 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, no less than two (2) days 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

26.13.4 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.

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

26.13.6 A Party that fails to attend a hearing after receiving notice of the hearing in accordance with these policies, shall be deemed not in good standing with BC Artistic Swimming until such time as the matter is resolved in a subsequent hearing. In such cases, it is the Party's responsibility to request a subsequent hearing.

26.13.7 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.

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

26.14 ***Suspension Pending a Hearing***

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

26.15 ***Criminal Convictions***

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

26.16 Confidentiality

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.

26.17 Retaliation

No person may engage in retaliation, intimidation or any other form of punishment against individuals who raise good faith concerns about an offence or who assist in an investigation. Retaliation may be grounds for a complaint under this Policy.

26.18 Timelines

The table below outlines the recommended timelines for managing disciplinary proceedings. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely or effective resolution to the complaint, the Discipline Chair or Case Manager, in consultation with the Discipline Chair, may direct that these timelines be revised.

Internal Review		Discipline Panel	
Day 0	Complaint received	Day 0	Complaint received
+ 5 days	ED determines process	+ 5 days	ED determines process
+ 5 days	DC appointed	+ 5 days	DC and CM appointed
+ 5 days	DC determines if frivolous or to proceed	+ 5 days	DC determines if frivolous or to proceed
+ 5 days	Notice that case is closed OR request for Respondent’s response		DC determines recommended format – ADR/1 person or ADR/Discipline Pane;
+ 10 days	Respondent’s response arrives	+ 5 days	CM distributes decision to parties
+ 5 days	DC renders decision and notifies parties	+ 5 days	Parties consent to ADR
35 days		+ 5 days	DC determines format for hearing the complaint (in person, by phone, etc.)
		+ 2 days	CM distributes format for hearing the complaint to parties
		w/in 30 days	Hearing is convened
		+ 14 days	DC provides CM with written decision, including rationale and sanctions
		+ 2 days	CM distributes notice of decision
		78 days	

26.19 Records and Distribution of Decisions

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.

27. APPEAL POLICY

27.1 Definitions

The following definitions shall apply in the context of the Appeal Policy:

- a) **“Appellant”** – The Party appealing a decision
- b) **“Case Manager”** – The individual who implements procedures described in this *Appeal Policy*. The Case Manager does not need to be a member of, or affiliated with, BC Artistic Swimming. The Case Manager’s role is further described in BC Artistic Swimming’s *Case Manager Job Description*.
- 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 BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, Directors and Officers of BC Artistic Swimming, spectators at events, and parents/guardians of athletes

27.2 Purpose

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

27.3 Adult Representative

27.3.1 Appeals may be filed by an Individual who is a minor (younger than 19 years old). Minors must have a parent/guardian or other adult serve as their representative during this process

27.3.2 Communication from the Case Manager must be directed to the minor’s representative.

27.3.3 A minor is not required to attend an oral hearing, if held.

27.4 Scope and Application of this Policy

27.4.1 This Policy applies to all Individuals. Any Individual who is directly affected by a BC Artistic Swimming decision 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.

27.4.2 This Policy **will apply** to decisions relating to:

- | | |
|-------------------------|---|
| a) Eligibility | d) Discipline |
| b) Selection | e) Membership |
| c) Conflict of Interest | f) Athlete funding or carding selection |

27.4.3 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 BC Artistic Swimming
- 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) BC Artistic Swimming's operational structure and committee appointments
- i) Decisions or discipline arising within the business, activities, or events organized by entities other than BC Artistic Swimming (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by BC Artistic Swimming 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

27.5 *Timing of Appeal*

27.5.1 Individuals who wish to appeal a decision have ten (10) days from the date on which they received notice of the decision to submit, in writing to BC Artistic Swimming, the following:

- a) Notice of the intention to appeal
- b) Contact information 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 fifty dollars (\$150), which will be refunded if the appeal is upheld

27.5.2 An Individual who wishes to initiate an appeal beyond the ten (10) 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 ten (10) day period will be at the sole discretion of the Case Manager and may not be appealed.

27.6 *Grounds for Appeal*

27.6.1 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 grossly unreasonable

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- 27.6.2 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.
- 27.6.3 **Screening of Appeal** - Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), BC Artistic Swimming and the Appellant may first determine the appeal to be heard under BC Artistic Swimming's *Dispute Resolution Policy*.
- 27.6.4 Appeals resolved by mediation under BC Artistic Swimming's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.
- 27.6.5 Should the appeal not be resolved by using the *Dispute Resolution Policy*, BC Artistic Swimming will appoint a Case Manager. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. The job description for the Case Manager is described in the *Case Manager Job Description*, which is an internal document provided to the Case Manager once appointed. Such appointment is not appealable.
- 27.6.6 The Case Manager 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
- 27.6.7 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.
- 27.6.8 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.
- 27.7 Procedure for Appeal Hearing**
- 27.7.1 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.
- 27.7.2 If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
- 27.7.3 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

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- 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

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

27.8 Appeal Decision

27.8.1 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

27.8.2 The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and BC Artistic Swimming. 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.

27.9 Retaliation

No person may engage in retaliation, intimidation or any other form of punishment against and Individual who files an appeal. Retaliation may be grounds for a complaint under the *Discipline and Complaints Policy*.

27.10 Timelines

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.

27.11 Confidentiality

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.

27.12 Records and Distribution of Decisions

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.

27.13 *Final and Binding*

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

28. DISPUTE RESOLUTION POLICY

28.1 *Definitions*

The following definitions shall apply in the context of the Dispute Resolution Policy:

“Individuals” – All categories of membership defined in BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of BC Artistic Swimming, spectators, and parents/guardians of athletes

28.2 *Purpose*

28.2.1 BC Artistic Swimming 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.

28.2.2 BC Artistic Swimming encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. BC Artistic Swimming 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.

28.3 *Application of this Policy*

28.3.1 This Policy applies to all Individuals.

28.3.2 Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute, per the *Discipline and Complaints Policy* or the *Appeal Policy*, when all parties to the dispute agree that such a course of action would be mutually beneficial.

28.4 *Facilitation and Mediation*

28.4.1 The dispute will first be referred to BC Artistic Swimming’s President (or designate) for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.

28.4.2 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.

28.4.3 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.

28.4.4 Should a negotiated decision be reached, the decision shall be reported to, and approved by, BC Artistic Swimming. 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 BC Artistic Swimming’s approval.

28.4.5 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 the *Appeal Policy* or *Discipline and Complaints Policy*, as applicable.

28.5 Final and Binding

Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

29. CASE MANAGER JOB DESCRIPTION

29.1 Purpose

BC Artistic Swimming's policies may require the appointment of a Case Manager. This Job Description outlines the role, identity, and tasks of that individual.

29.2 Policies

The following Policies require the appointment of a Case Manager:

- a) *Discipline and Complaints*
- b) *Appeal*

29.3 Identity

29.3.1 The Case Manager appointed by BC Artistic Swimming should be experienced with handling disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with BC Artistic Swimming – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member, Director or participant and does not need to have a background in the sport.

29.3.2 The Case Manager's identity does not need to be approved by any of the parties involved in the dispute.

29.4 Discretion - Complaints

29.4.1 When a complaint is filed under the *Discipline and Complaints Policy*, the Case Manager is required to exercise his or her discretion to determine, among other things, if the complaint is frivolous or vexatious.

29.4.2 In making these determinations, the Case Manager should refer to BC Artistic Swimming's *Conduct Policy* to decide the appropriateness of the complaint. The Case Manager should also consider the motivations of the complainant and if the complaint appears to be motivated by personal interest, bias, or a grudge against BC Artistic Swimming or the Respondent.

29.5 Discretion - Appeals

29.5.1 When an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether, among other things, if there are appropriate grounds for the appeal.

29.5.2 At this initial stage of the appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error in the process may have been made. The Case Manager will need to carefully consult BC Artistic Swimming's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

29.6 Discretion – Timeliness and Jurisdiction

29.6.1 When a complaint or an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether the policy has jurisdiction over the matter and whether the

complaint or appeal has been filed within proper timelines and, if not, whether an extension should be granted.

29.6.2 When exercising discretion in this matter, the Case Manager should consider the scope of BC Artistic Swimming's authority and if BC Artistic Swimming is the correct organization to handle the issue. Further, when considering an extension to the listed deadline, the Case Manager should consider any extenuating circumstances that prohibited the submission of the complaint or appeal within the timelines, whether the timelines are reasonable, and if any party (or BC Artistic Swimming) will be adversely affected by the granting of an extension and/or if a granted extension will permit multiple additional complaints or appeals.

29.7 Hearing Format - Discretion

29.7.1 The Case Manager is required to exercise his or her discretion to determine the format of the hearing. Hearings typically take the following forms:

- a) In person
- b) Conference call
- c) Written submissions
- d) Conference call + written submissions

29.7.2 In determining the format of the hearing the Case Manager should consider:

- a) The distance between the parties
- b) The animosity between the parties
- c) The time commitment and location of the Panel
- d) The timelines for a decision
- e) The language barriers between the parties
- f) The gravity of the complaint/appeal

29.8 Panel Appointment

29.8.1 The Case Manager is required to appoint a Panel of one person or, in extraordinary circumstances, three people to decide the issue. The individual(s) should have the following characteristics:

- a) Experience in dispute resolution
- b) Experience with sport disputes
- c) No connection to either party
- d) Preferably no connection with BC Artistic Swimming
- e) Decisiveness

29.8.2 The Panel should consist of three individuals only when the complaint or appeal is especially contentious or complex, or if it has major life-changing effects on the parties.

29.8.3 The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy.

29.8.4 The Case Manager may assist the Panel in writing the decision but must not volunteer his or her opinion on the case.

29.9 Communication

29.9.1 Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the

deadlines set by the Case Manager, or by the applicable policy, and the process must move forward even if a party misses a deadline with no reasonable explanation.

- 29.9.2 When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant or Appellant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.

Appendices – Specific Behaviour Expectations & Standards

In addition to the above, there are certain behaviour expectations and standards that apply to specific categories of Individuals and Organizations as outlined in Appendices A-G.

30. Appendix A: ATHLETES

Athletes shall:

- a) Strive for personal and team achievement through complete, consistent and sincere effort.
- b) Show respect for themselves and for all others.
- c) Contribute to a positive team culture by providing positive and constructive comments to teammates that motivate and encourage continued effort.
- d) Recognize that any bullying behaviour will not be tolerated and let their Coach, a Support Personnel, or a Person in Leadership know immediately if they have witnessed bullying behaviour or have been the victim of bullying.
- e) Immediately report to their Coach or Support Personnel any mental or physical health issue that may prevent or limit their ability to train, travel or compete and, in the case of national team or CSI-Pacific carded Athletes, their ability to fulfill the carding requirements.
- f) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- g) Only participate in competitions for which they are eligible to compete.
- h) Arrive for each practice, competition, selections or other Artistic Swimming Activity or Event on time, with all appropriate gear, well-nourished and prepared to the best of their ability.
- i) Conduct themselves in a sportsmanlike manner, whether as competitors or spectators, and not tolerate anyone among them who does not.
- j) Never consume alcohol, cannabis, tobacco, or e-smoking products as a Minor or while engaged in Activity or Event.
- k) Where applicable, adhere to the Organization's Athlete Agreement, its requirements and expectations.
- l) Comply with the Organization's rules and requirements regarding clothing, equipment, training, travel, competition and curfew.
- m) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- n) Comply with all other applicable Organizations' Policies.

31. Appendix B: BOARD AND COMMITTEE MEMBERS

Directors, officers, and committee members shall:

- a) Be responsible first and foremost to the welfare of their Organization and function primarily as a member of the board or committee, not as a member of any particular constituency or relationship.
- b) Conduct themselves openly, professionally, lawfully and in good faith in a way that is aligned with and reinforces the Organization's values and ethical standards.
- c) Exercise due diligence in holding their fiduciary responsibility.
- d) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- e) Promote an appropriate culture that emphasizes the fair handling of conflicts of interest and comply with the Conflict of Interest Policy.
- f) Ensure that all directors, officers, and committee members are given sufficient opportunity to express opinions and that all opinions are given due consideration and weight.
- g) Respect the decisions of the majority and resign if unable to do so.
- h) Commit the time to attend meetings and to be diligent in their preparation for and participation in discussions.
- i) Have a thorough knowledge and understanding of the Organization's governing by-laws, policies, and rules.
- j) Promote a culture that values complaints and their effective resolution.
- k) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- l) Comply with all other applicable Organizations' Policies.

32. Appendix C: COACHES AND SUPPORT PERSONNEL

Coaches and Support Personnel shall:

- a) Demonstrate responsible leadership and adhere, for Coaches, to the NCCP Code of Ethics and the CAS Coach Registration and Certification Policy and the BCAS Coach Certification Policy, and for Support Personnel to their respective professional certification organization or association and related policies.
- b) Always be in good standing with the CAC for Coaches and with their professional certification organization or association, if applicable, for Support Personnel.
- c) Act in the best interest of the Athlete's development as a whole person and in alignment with the True Sport Principles, Respect in Sport and the Responsible Coaching Movement.
- d) 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, and educating Athletes as to their responsibilities in contributing to a safe environment.
- e) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- f) Work cooperatively with other Support Personnel including sport medical professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments.
- g) Never encourage or permit an athlete to return to play prematurely or without the clearance of a medical professional following a serious injury.
- h) Never withhold, recommend against, or deny adequate hydration, nutrition, medical attention, or sleep.
- i) Accept and promote Athletes' personal goals and refer Athletes to other Coaches and Support Personnel as appropriate and as opportunities arise.
- j) Never withhold information or take any action that could inappropriately influence Athlete decision-making about participation in national or provincial team or other training programs.
- k) Support the Coaching and Support Personnel staff or contractors of any training camp or provincial or national team training program should an Athlete qualify for participation in one of these programs.
- l) Not use their position as a national or provincial Coach or Support Personnel to solicit Athletes (or the Parents of Minor athletes) unless first receiving approval from the Coaches who are responsible for the Athlete.
- m) Provide Athletes and the Parents of Minor athletes with the information required to be involved in the decisions that affect the athlete.
- n) Exemplify conduct they wish their Athletes to adopt in dress and behaviour.
- o) Maintain professional boundaries with Athletes and refrain from interacting with minor athletes on social media other than through a distinct professional account.
- p) Ensure all online dialogue and interactions with Minor Athletes are for artistic swimming-related purposes only.
- q) Ensure their athletes understand that Discrimination, Harassment, and Maltreatment will not be tolerated, and create a culture of disclosure and reporting at the Athlete level.
- r) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- s) Use inoffensive language and refrain from yelling at Athletes in a manner that serves no productive training or motivational purpose.
- t) Not criticize other Coaches, Support Personnel, or Individuals publicly and interact in a professional manner.
- u) Comply with the Organizations' rules and requirements regarding dress code.
- v) Comply with all other applicable Organization's Policies.

33. Appendix D: OFFICIALS

Officials shall:

- a) Accept an assignment to officiate at a competition or event only if they intend to honour that commitment, and let the appropriate person know as soon as possible if, for any reason, they are unable to attend.
- b) Conduct themselves openly, professionally, impartially, and in good faith in all officiating activities.
- c) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- d) Avoid endorsing or posting information about an Athlete, Coach, Support Personnel or other Individual that may suggest a preferential relationship or give the appearance of a conflict of interest.
- e) Declare a conflict of interest where applicable and refrain from officiating in situations where the perception of a conflict of interest may be present.
- f) Make independent judgments.
- g) Respect the confidentiality required by issues of a sensitive nature, including elections, defaults, forfeits, discipline processes, appeals, and other Confidential Information.
- h) Commit to understanding and practicing their role as judge, referee, scorer, or other official and act appropriately within that role.
- i) Maintain technical knowledge of artistic swimming and all current rules and rule changes.
- j) Be accountable for decisions made while officiating.
- k) Share technical knowledge and experience of artistic swimming with Athletes, Parents, Coaches, meet managers, volunteers, CAS, BCAS or Affiliated Organizations employees, and other Officials to enhance the development of the sport.
- l) Not criticize other Officials, Organizations, or Individuals publicly and interact in a professional manner.
- m) Comply with the Organization's rules and requirements regarding dress code.
- n) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- o) Comply with all other applicable Organizations' Policies.
- p) Not use their position as an official or affiliation with a member Club to solicit Athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.

34. Appendix E: PARENTS AND SPECTATORS

Parents or spectators shall:

- a) Never ridicule an Athlete for making a mistake during a performance or practice and provide positive comments that motivate and encourage all Athletes' continued effort.
- b) Respect the decisions and judgments of officials and encourage athletes to do the same.
- c) Respect and show appreciation to all competitors and to the Coaches, Officials, Support Personnel, meet managers, Volunteers and other Individuals who give their time to the sport of artistic swimming.
- d) Refrain from the use of bad language, and not interfere with events or harass Coaches, Officials, Support Personnel, meet managers, Volunteers and other Parents or Spectators.
- e) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- f) Be subject to disciplinary sanction if they breach this Section even if they are not a Registrant or member of CAS, BCAS or an Affiliated Organization.
- g) Not solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.
- h) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- i) Comply with all other applicable Organizations' Policies.

35. Appendix F: PERSONS IN LEADERSHIP

Persons in Leadership shall:

- a) Promote awareness and understanding of the Organizations' values and this Conduct Policy.
- b) Consider equity, diversity and inclusion when setting policies and developing, updating or delivering programs.
- c) Act as a role model through their behaviour, actions, and words and encourage and motivate other Individuals to do the same.
- d) Build trust of the Organization's Employees, Athletes and other Individuals by listening to and understanding their interests and needs.
- e) Instill an atmosphere of collaboration.
- f) Not use their position to solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.
- g) Maintain an environment where everyone feels comfortable asking questions and raising concerns.
- h) Assist people through the complaint process, if needed.
- i) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- j) Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate.
- k) Advise the Organization's President or Senior Staff immediately of any situation where a complainant has publicized a complaint in the media.
- l) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender.
- m) Persons in Leadership of an Affiliated Organization shall provide the Organization's Executive Director with a copy of a report on the outcome of any investigation into Discrimination, Harassment or Maltreatment.
- n) Be subject to disciplinary sanction if they breach this Section even if they are not a Registrant or member of CAS, BCAS or an Affiliated Organization.
- o) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.
- p) Comply with all other applicable Organizations' Policies.

36. Appendix G: BCAS MEMBERS AND AFFILIATED ORGANIZATIONS

Affiliated Organizations shall:

- a) Adhere to all CAS and BCAS governing Bylaws, policies and rules and, where necessary, amend their own Bylaws, policies, and rules to comply with those of CAS and BCAS.
- b) Recognize that their websites, blogs, and social media accounts are seen as extensions of CAS and BCAS and must reflect the CAS and BCAS mission, vision and values;
- c) Comply at all times with the Discrimination, Harassment, and Maltreatment Policy and refrain from acting in a manner that is discriminatory, harassing, or maltreating any Individual.
- d) Ensure that all Athletes, Coaches and Support Personnel participating in an Activity or Event over which CAS, BCAS, or an Affiliated Organization has jurisdiction are registered and in good standing.
- e) Have well-defined hiring practices and other standards in place, including interviews, reference checks, and police record checks and other background screening checks, in accordance with the CAS Screening Policy and BC Criminal Record Review Act to ensure Athletes have a healthy and safe sport environment.
- f) Not solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.
- g) Promote a culture that provides clear process for values complaints and their effective resolution.
- h) Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate.
- i) Advise the Organization's President or Senior Staff immediately of any situation where a complainant has publicized a complaint in the media.
- j) Impose appropriate disciplinary or corrective measures under the Organization's Discipline and Complaints Policy when misconduct has been substantiated, regardless of the position or authority of the offender.
- o) Provide the Organization's Executive Director with a copy of all decisions rendered under the Organization's Discipline and Complaint Policy or Appeal Policy.
- p) Align themselves with and follow the Rule of Two and BCAS Rule of Two Policy, and hold all other members accountable to the same standards.

37. Appendix H: CONFLICT OF INTEREST IDENTIFICATION, PREVENTION & MANAGEMENT FOR OFFICIALS



CONFLICT OF INTEREST IDENTIFICATION, PREVENTION AND MANAGEMENT FOR OFFICIALS

COMMITTEE: National Officials Committee
LAST UPDATED: March 25, 2023

PURPOSE

The purpose of this document is to provide some guidelines in dealing with conflicts of interest for officials at CAS competitions. This document is written in support of the CAS Conflict of Interest Policy <https://artisticswimming.ca/wp-content/uploads/2022/01/CAS-Conflict-of-Interest-Policy-Dec-22-2021.pdf>

PROCESS

The process for dealing with officials with a conflict occurs in three phases as outlined below.

Phase 1: Identify: Identify real, perceived or potential conflicts of interest

Per the CAS Conflict Of Interest Policy, the following categories of people must disclose a Conflict of Interest at the beginning of the competitive season (or when it arises) to the National Officials' Committee (hereafter NOC):

- a. A Family Member of a competitor; **(family member is defined as a parent, step-parent, grandparent, step-grandparent, sibling or step-sibling)**
- b. A current Coach of a competitor;
- c. A Club manager of a competitor;
- d. A Family Member of a Coach of a competitor;
- e. A Family Member of a Club manager of a competitor;
- f. A Board member of a competitive Club of a competitor *(or a board member of a provincial association)*; and
- g. A Family Member of a Board member of a competitive Club of a competitor.

Disclosure is archived through an online form sent to each official at the beginning of the competitive season. Once the conflict of interest is disclosed, the Register of Interest, as shown below, is completed by the Chair of the NOC.

Name	Province	Role of Official	Description / Category of Conflict	Date of Disclosure	Remedial / Risk Reduction Actions	Monitoring of Risk Reduction Actions

¹
Conflict of Interest Identification, Prevention and Management



Phase 2: Prevent: Prevent or minimize the impact of conflicts of interest by taking steps to reduce the risk. The table below provides **Remedial / Risk Reduction Actions *** for dealing with categories of conflicts of interest for officials with various roles.

Phase 3: Manage: Manage conflicts when they arise with appropriate remedial risk reduction actions and the **Monitoring of Risk Reduction Actions **** to ensure that actual, potential and perceived conflicts have been satisfactorily managed.

Description/ Category of Conflict	Role of Official	Remedial / Risk Reduction Actions *	Monitoring of Risk Reduction Actions **
A Family Member of a competitor	Judge	The judge should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that judge is not assigned to affected events
	Referee	The referee should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that referee is not assigned to affected events
	Scorer	none	Chief referee signs off on all competition results
A current Coach of a competitor	Judge	The judge should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that judge is not assigned to affected events
	Referee	The referee should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that referee is not assigned to affected events
	Scorer	none	Chief referee signs off on all competition results
A Club manager of a competitor	Judge	The judge should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that judge is not assigned to affected events
	Referee	The referee should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that referee is not assigned to affected events
	Scorer	none	Chief referee signs off on all competition results
A Family Member of a Coach of a competitor	Judge	The judge should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that judge is not assigned to affected events
	Referee	The referee should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that referee is not assigned to affected events
	Scorer	none	Chief referee signs off on all competition results



A Family Member of a Club manager of a competitor	Judge	The judge should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that judge is not assigned to affected events
	Referee	The referee should refrain from officiating in the events of the affected competitor	Monitor compliance by ensuring that referee is not assigned to affected events
	Scorer	none	Chief referee signs off on all competition results
A Board member of a competitive Club of a competitor / Board member of a provincial association	Judge	The judge cannot be chief judge of a competition in order to reduce potential conflicts with judge panel assignments. Cannot participate in any selection committees (example: to promote athletes from Qualifier to Championships)	Monitor for bias as part of the evaluation process
	Referee	The referee can only participate as an assistant referee so that any decisions on penalties/disqualifications/fines is the responsibility of the chief referee. Cannot participate in any selection committees (example: to promote athletes from Qualifier to Championships)	Monitor for bias as part of the evaluation process
	Scorer	The scorer can only participate as an assistant scorer so that any decisions on penalties/disqualifications/fines is the responsibility of the chief referee/scorer.	Chief referee signs off on all competition results
A Family Member of a Board member of a competitive Club of a competitor	Judge	The judge cannot be chief judge of a competition in order to reduce potential conflicts with judge panel assignments. Cannot participate in any selection committees (example: to promote athletes from Qualifier to Championships)	Monitor for bias as part of the evaluation process
	Referee	The referee can only participate as an assistant referee so that any decisions on penalties/disqualifications/fines is the responsibility of the chief referee. Cannot participate in any selection committees (example: to promote athletes from Qualifier to Championships)	Monitor for bias as part of the evaluation process
	Scorer	This scorer can only participate as an assistant scorer so that any decisions on penalties/disqualifications/fines is the responsibility of the chief referee/scorer.	Chief referee signs off on all competition results

Based on the remedial and risk reduction actions above, an official should be available for at least 75% of the competition in order to reduce the impact on travel expenses and lodging. Availability of less than 75% would make the official ineligible for the competition * exceptions could apply.

Officials having more than one conflict of interest would be dealt with on a case by case basis. 75% availability would remain a requirement to be eligible for the competition.

Coaches who are not available for 75% or more of the competition but will be at the competition for coaching purposes may be asked to join a judging panel for an event where they do not have a conflict.