



## DIVING PLONGEON CANADA

### POLICY RELATING TO CONDUCT

DPC is committed to providing a sport environment that reflects DPC's values of community, personal development, sportsmanship and excellence. Registration in DPC, and participation in its activities, brings with it many benefits and privileges that are balanced by the responsibilities and obligations of its Registrants and Participants.

This policy defines the parameters for these responsibilities and obligations, and thus identifies a standard for behaviour that is expected of all Registrants and Participants. This policy also identifies procedures to be followed when this standard is not achieved.

Compliance with this policy, as with all rules in a civil and democratic society, depends primarily upon understanding and voluntary compliance; secondarily upon reinforcement by peers and others; and, when necessary, upon enforcement through disciplinary proceedings.

#### 1. Definitions

- (a) **"DPC"** means Diving Plongeon Canada.
- (b) **"Members"** shall have the meaning as set out in Article 3 of the Diving Plongeon Canada By-Laws.
- (c) **"Participant"** means a Registrant as well as a DPC director, officer, team manager, team medical personnel, staff, contractor and any other individual who participates in DPC programs, activities and events, including a parent/guardian of any athlete.
- (d) **"Registrant"** means any individual who is engaged in activities that are provided, sponsored, supported, sanctioned or recognized by the DPC or its Members. Registrants include, but are not limited to, recreational and competitive divers, members of national teams, coaches, officials, administrators and volunteers who serve on executives, committees and boards of directors of diving clubs. Registrants may pay a program fee for services rendered but the payment of such fee does not make the Registrant a Member of DPC.
- (e) Any reference to gender includes all gender and the plural includes the singular and vice versa, as the context requires.

#### 2. Application of this Policy

- (a) This policy applies to all Participants as defined above. For further clarity, this policy applies to the conduct of Participants while engaged in programs, activities and events convened under the jurisdiction of DPC. This policy does not apply to the conduct of individuals at programs, activities and events convened under the jurisdiction of other entities, including diving clubs and provincial sections.

- (b) DPC encourages provincial sections and diving clubs to adopt policies consistent with this policy, so that they may establish standards and procedures to govern conduct within their own jurisdiction.
- (c) Notwithstanding section (a), any individual, provincial section or club may request that DPC consider applying this policy to a provincial or local matter that would otherwise be outside the jurisdiction of DPC.
- (d) Upon receipt of such request or in such other circumstances as DPC, in its sole discretion, considers necessary and appropriate, DPC may intervene in any matter which it deems to be of national or sport-wide importance, detrimental to the sport of diving in Canada or the reputation of DPC, or harmful to the physical, mental or emotional health and safety of Participants. Upon making such determination, DPC shall be entitled to undertake such investigation of the surrounding circumstances as DPC, in its sole discretion, deems necessary or advisable. After reviewing the results of any such investigation, DPC shall have the right, but not the obligation, to make a complaint which shall be governed by the terms of this Policy. Any decisions made by DPC pursuant to this section are within DPC's sole discretion and are not appealable.

### **3. Expected Standard of Conduct**

- (a) All Participants are expected to reflect DPC's values of community, personal development, sportsmanship and excellence.
- (b) As such all *Participants* will:
  - (i) Demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct;
  - (ii) Treat others with respect and refrain from negative or disparaging remarks or conduct;
  - (iii) Not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of DPC<sup>1</sup>;
  - (iv) Avoid the non-medical use of drugs or the use of performance-enhancing drugs or methods;

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<sup>1</sup> For the purposes of this policy, conflict of interest is defined as "a situation where a Participant, or the entity with which he or she is affiliated, as a real or perceived competing interest with DPC's activities. This competing interest may result in the Participant, or the entity with which the Participant is affiliated, being in a position to benefit from the situation or in DPC not being able to achieve a result which would be in the best interest of DPC."

DPC recognizes that some situations may present conflicts that are not materially harmful. As a result, DPC's Board of Directors or Senior Staff, as appropriate, will address such situations on a case-by-case basis. All Participants are responsible to self-report to DPC all instances of real or perceived conflict, so that a determination can be made as to whether the particular instance is in fact harmful to DPC or its Participants, and therefore prohibited.

- (v) Refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious;
  - (vi) Refrain from any behaviour that constitutes sexual misconduct, where sexual misconduct is defined as (i) the use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity, including explicit or implicit threats of reprisals for non-compliance or promises of reward for compliance, or (ii) engaging in deliberate or repeated unsolicited sexually-oriented comments, anecdotes, gestures or touching that are offensive or unwelcome, that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to teammates; and
  - (vii) Comply at all times with the bylaws, policies, and rules and regulations of DPC and FINA, as adopted and amended from time to time, including complying with any contracts or agreements executed with or by DPC.
- (c) Athletes, coaches and officials have additional responsibilities.
- (i) Coaches will:
    - A. Consistently display high personal and professional standards and project a positive image of the sport and of coaching;
    - B. Ensure a safe training environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes;
    - C. Actively assist in sustaining the present and future health of athletes by communicating and cooperating with registered medical practitioners in the diagnosis, treatment and management of injuries and other associated health or fitness problems;
    - D. Educate athletes about the dangers of drugs and performance-enhancing substances;
    - E. Accept and promote athletes' personal goals and, as need and opportunity arises, refer athletes to other coaches and sports specialists;
    - F. In the case of minors, communicate and cooperate with the parents/guardians of athletes and involve them to an appropriate degree in decisions pertaining to the athlete's development;
    - G. Consider the academic pressure placed on student-athletes and respect the importance of academic success;

- H. Adhere to DPC and FINA rules regarding clothing and logos; and
  - I. Avoid any behaviour that abuses the power imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an athlete that he or she is coaching, or (ii) encourage inappropriate physical or emotional intimacy with an athlete, regardless of the athlete's age.
- (ii) *Athletes* who have been selected to a team of DPC will:
- A. Report any health- or fitness-related problems in a timely fashion, where such problems may limit the athlete's ability to travel, train, compete or, in the case of carded athletes, interfere with the athlete's ability to fulfill requirements under the Athlete Assistance Program;
  - B. Participate in all competitions, events, activities or projects to which the athlete has made a commitment; and
  - C. Adhere to DPC and FINA rules regarding clothing and logos.
- (iii) *Officials* will:
- A. Conduct all events according to the rules of DPC and FINA, with the integrity of the sport and each athlete's performance in mind;
  - B. Work in cooperation with other officials;
  - C. Assist less experienced colleagues; and
  - D. Refrain from public criticism of other officials.

#### **4. Types of Infractions**

- (a) Failure by a Participant to achieve the expected standards set out above may result in an infraction and the imposition of discipline. Infractions are divided into two types, minor infractions and major infractions, which are dealt with using different procedures.
- (b) Minor infractions are incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others. Examples of minor infractions include, but are not limited to:
  - (i) Single instances of disrespectful comments or behaviour directed towards others;
  - (ii) Single instances of unsportsmanlike conduct;
  - (iii) Being late for or absent from DPC events and activities at which attendance is expected or required; and

- (iv) Single instances of non-compliance with the policies and rules of DPC or FINA.
- (c) All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the Participant involved. This person may include, but is not restricted to, a coach, meet or event official, team manager, Board member, or senior staff member.
- (d) Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to DPC or to the sport of diving. Examples of major infractions include, but are not limited to:
  - (i) Repeated minor infractions;
  - (ii) Activities or behaviours that interfere with a competition or with any athlete or coach's preparation for a competition;
  - (iii) Pranks, jokes or other activities that endanger the safety of others;
  - (iv) Deliberate disregard for the policies and rules of DPC or FINA;
  - (v) Conduct that intentionally damages the image, credibility or reputation of DPC, including entering into a conflict of interest;
  - (vi) Behaviour that constitutes harassment or sexual misconduct; and
  - (vii) Abusive use of alcohol, any use of alcohol by minors, use of illicit drugs and narcotics, or use of banned performance-enhancing drugs or methods, other than for medical conditions.
- (e) Major infractions will be reviewed and dealt with in accordance with the disciplinary procedures set out in this policy.
- (f) Major infractions that occur within competition may be dealt with immediately by the appropriate person having authority, such as an official, coach, team manager, or senior staff person. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied, but only after review of the matter using the disciplinary procedures set out in this policy.

## **5. Reporting an Infraction**

- (a) Any individual may report to an "Official" of DPC a complaint of an infraction. Such complaint must be in writing and must be made in a timely manner. For the purposes of this Section, an "Official" is any person in a responsible staff or volunteer position within DPC or a Provincial Section.
- (b) Upon receiving a complaint, the Official will provide it immediately to the Chief Operating Officer (COO) of DPC. If the COO is not available or not able to receive the complaint, the complaint may be provided to the Chief Technical Officer (CTO) or to any Board member.

- (c) Upon receiving a complaint of a major infraction, the COO (or designate) will review the complaint and may:
- (i) Dismiss the complaint if he or she considers it to be trivial, vexatious or untimely;
  - (ii) Determine that the complaint does not fall within the jurisdiction of this policy, and refer it to the appropriate body having jurisdiction;
  - (iii) Direct that the complaint be dealt with informally as a minor infraction; or
  - (iv) Refer the matter to a Discipline Committee to be established pursuant to section 6 hereof.

## **6. Disciplinary Procedures**

- (a) Upon referral of a major infraction to a Discipline Committee pursuant to subsection 5(c)(iv) hereof, a Discipline Committee shall be established as follows:
- (i) The Discipline Committee shall be an independent tribunal comprised of three persons, established solely for the purpose of adjudicating the major infractions brought before it pursuant to this Conduct Policy;
  - (ii) For purposes of establishing a Discipline Committee from time to time, DPC shall maintain a roster (the "Roster") of individuals who have been nominated by its Provincial Section Members and who are prepared to sit on a Discipline Committee and to adjudicate complaints of major infractions from time to time;
  - (iii) One member of the Discipline Committee shall be selected from the Roster by the person making the complaint (the "Complainant");
  - (iv) One member of the Discipline Committee shall be selected from the Roster by the person who the complaint is made against (the "Defendant");
  - (v) The third member of the Discipline Committee shall be an individual selected by agreement of the two Discipline Committee members selected by the Complainant and the Defendant;
  - (vi) The third member of the Discipline Committee may, but does not necessarily need to be an individual on the Roster, provided that if the third member of the Discipline Committee is not a person on the Roster, the cost, if any, of having such person sit on the Discipline Committee shall be shared equally by the Complainant and the Defendant;
- (b) The Discipline Committee shall have overall responsibility to ensure procedural fairness is respected at all times during the disciplinary process, and to carry out this process in a timely manner.

- (c) The Discipline Committee will determine the format of the disciplinary process, which may involve written submissions, an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods.
- (d) The Discipline Committee shall have the right to suspend a Defendant pending a final decision, where it determines that the alleged infraction is of such seriousness that it warrants the suspension of the Defendant, pending investigation, hearing and the final decision of the Discipline Committee.
- (e) The Defendant:
  - (i) will be given reasonable notice of the format, as well as (in the case of an oral hearing in person or oral hearing by telephone) day, time and place of the hearing;
  - (ii) will receive a copy of the Investigation Report if an investigation was carried out;
  - (iii) may be accompanied by a representative; and
  - (iv) will have the right to present evidence and argument before the Discipline Committee.
- (f) After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be. The Discipline Committee will issue a written decision, including reasons, for distribution to the Defendant, the Complainant and the COO.
- (g) Where the conduct being reviewed by this policy is of a sensitive nature, the Discipline Committee and DPC will keep all proceedings under the policy confidential, except: where publication is:
  - (i) ordered as part of the sanction;
  - (ii) stipulated by the Canadian Anti-Doping Program;
  - (iii) requested by Sport Canada;
  - (iv) required by law; or
  - (v) in the best interests of the public.
- (h) In fulfilling its duties, and with the approval of the COO prior to any costs being incurred, the Discipline Committee may obtain independent advice.

## **7. Disciplinary Sanctions**

- (a) The following is a non-exhaustive list of examples of disciplinary sanctions that may be applied, singly or in combination, where it is found that an infraction has occurred:

- (i) Verbal or written reprimand;
  - (ii) Request for verbal or written apology;
  - (iii) Service or other voluntary contribution to DPC;
  - (iv) Removal of certain privileges of registration or employment associated with, or full termination of registration or employment with DPC;
  - (v) Suspension from certain DPC activities such as competing, coaching or officiating for a designated period of time;
  - (vi) Publication of the disciplinary sanction;
  - (vii) Removal of DPC or Sport Canada funding;
  - (viii) Suspension from all DPC activities for a designated period of time; or
  - (ix) Expulsion from DPC.
- (b) It is understood that the above are representative penalties only, that they may be modified to fit the circumstances of the infraction, and that they are presented generally in order of severity.

## **8. Criminal Convictions**

- (a) A Participant's conviction, at any time, for any of the following *Criminal Code* offenses will be deemed an infraction under this policy and will result in immediate expulsion from DPC, without the need for further action on the part of DPC and removal from DPC programs, activities and events:
- (i) Any offense involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List;
  - (ii) Any offense involving child pornography;
  - (iii) Any sexual offence involving a minor;
  - (iv) Any offence of assault involving a minor; or
  - (v) Any offence of physical or psychological violence involving a minor.
- (b) A Participant's conviction, at any time, for any of the following *Criminal Code* offenses may be deemed an infraction under this policy as determined by the board of directors and will result in immediate expulsion from DPC, without the need for further action on the part of DPC and removal from DPC programs, activities and events:
- (i) Any sexual offense other than involving a minor;
  - (ii) Any offence of assault other than involving a minor;

- (iii) Any offence of physical or psychological violence other than involving a minor;  
or
- (iv) Any offence involving theft or fraud.

**9. Appeals**

- (a) Appeals from decisions of the Discipline Committee made pursuant to section 6 hereof shall be made to Sport Dispute Resolution Centre of Canada (“SDRCC”) and shall be governed by the Canadian Sport Dispute Resolution Code (the “Code”) which outlines the procedural rules under which all disputes submitted to SDRCC must take place.
- (b) Appeals of all other decisions rendered under this Conduct Policy may be made in accordance with the DPC Appeal Policy, provided that expulsion and removal from DPC programs, activities and events pursuant to section 8(a) and 8(b) are not appealable.

**10. Applicability**

- (a) This Conduct Policy, and the process for dealing with complaints of minor and major infractions established hereunder, shall apply to all complaints which have not previously been resolved pursuant to DPC’s Conduct Policy, regardless of whether such complaints relate to alleged infractions which took place before or after the date on which this Conduct Policy became effective.