

## **CONDUCT POLICY WITH DISCIPLINARY PROCEDURES**

Diving Plongeon Canada (“DPC”) is committed to providing a sport environment that reflects its values of community, personal development, sportsmanship and excellence. Registration in DPC and participation in its activities brings many benefits and privileges that are balanced by responsibilities and obligations.

This Policy defines the parameters for these responsibilities and obligations and identifies a required 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 depends primarily upon understanding and voluntary compliance; secondarily upon reinforcement by peers and others; and, when necessary, upon enforcement through disciplinary proceedings.

### **1. Application of this Policy**

- 1.1. This Policy applies to the conduct of Participants while engaged in programs, activities and events convened under the jurisdiction of DPC.
- 1.2. This Policy applies to the conduct of Participants outside of the programs, activities, and events convened under the jurisdiction of DPC when such conduct may adversely affect the relationships (or the work or sport environment) of DPC, a provincial section or a diving club, or when the conduct may be detrimental to the image or reputation of DPC, a provincial section or diving club.
- 1.3. 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.
- 1.4. Notwithstanding Section 1.2, any provincial section or diving club may request that DPC consider applying this policy to a provincial or local matter that would otherwise be outside the jurisdiction of DPC. 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, per the *Investigations Policy*. After reviewing the results of any such investigation or upon receipt of the request, 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.

- 1.5. This *Conduct Policy* applies to individuals active in the sport or who have retired from the sport where any claim regarding a potential breach of this Policy occurred when the individual was active in the sport.
- 1.6. 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 this Policy, regardless of whether such complaints relate to alleged infractions which took place before or after the date on which this Policy became effective.
- 1.7. In addition to being subject to disciplinary action pursuant to this *Conduct Policy*, an employee who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

## **2. Expected Standard of Conduct**

### 2.1. All Participants will:

- 2.1.1. Demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct;
- 2.1.2. Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators;
- 2.1.3. 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>;
- 2.1.4. Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Abuse, Maltreatment, Workplace Violence, or Discrimination (all of which are defined in the **Definitions**);
- 2.1.5. Treat each other with the highest standards of respect and integrity;
- 2.1.6. Avoid public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;

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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.

- 2.1.7. Act, when appropriate, to correct or prevent practices that are unjustly discriminatory;
  - 2.1.8. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, DPC adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Policy and may be subject to further disciplinary action, and possible sanction, pursuant to this Policy.
  - 2.1.9. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES);
  - 2.1.10. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
  - 2.1.11. Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in DPC's programs, activities, competitions, or events;
  - 2.1.12. In the case of minors, not consume alcohol at any competition or event;
  - 2.1.13. In the case of adults, avoid consuming alcohol or cannabis in competitions and in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with DPC's events;
  - 2.1.14. Respect the property of others and not wilfully cause damage;
  - 2.1.15. Promote the sport in the most constructive and positive manner possible;
  - 2.1.16. When driving a vehicle with a Participant:
    - 2.1.16.1. Not have his or her license suspended;
    - 2.1.16.2. Not be under the influence of alcohol or illegal drugs or substances; and
    - 2.1.16.3. Have valid car insurance
  - 2.1.17. Adhere to all federal, provincial, municipal and host country laws;
  - 2.1.18. Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition; and
  - 2.1.19. Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an individual to DPC including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method
  - 2.1.20. Comply at all times with the by-laws, 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.
- 2.2. Coaches will:
- 2.2.1. Consistently display high personal and professional standards and project a positive image of the sport and of coaching;

- 2.2.2. Provide an effective and safe training environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes;
  - 2.2.3. 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;
  - 2.2.4. Educate athletes about the dangers of drugs and performance-enhancing substances;
  - 2.2.5. Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol and/or tobacco;
  - 2.2.6. Accept and promote athletes' personal goals and, as need and opportunity arises, refer athletes to other coaches and sports specialists;
  - 2.2.7. 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;
  - 2.2.8. Comply with DPC's policies and with DPC and FINA rules and regulations; and
  - 2.2.9. 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.
- 2.3. Athletes who have been selected to a team of DPC will:
- 2.3.1. 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;
  - 2.3.2. Participate in all competitions, events, activities or projects to which the athlete has made a commitment;
  - 2.3.3. Adhere to DPC and FINA rules; and
  - 2.3.4. Act in accordance with DPC's policies and procedures and, when applicable, additional rules as outlined by coaches or managers.
- 2.4. Officials will:
- 2.4.1. Conduct all events according to the rules of DPC and FINA, with the integrity of the sport and each athlete's performance in mind;
  - 2.4.2. Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;
  - 2.4.3. Respect the confidentiality required by issues of a sensitive nature, which may include defaults, forfeits, discipline processes, appeals, and specific information or data about Participants; and
  - 2.4.4. Not publicly criticize other officials or any club or association;
- 2.5. Directors, Committee Members, and Staff will:

- 2.5.1. Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of DPC's business;
  - 2.5.2. Ensure that DPC's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
  - 2.5.3. Conduct themselves openly, professionally, lawfully and in good faith in the best interests of DPC;
  - 2.5.4. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism;
  - 2.5.5. Keep informed about DPC's activities, the diving and overall sport community, and general trends in the sectors in which they operate;
  - 2.5.6. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which DPC is incorporated;
  - 2.5.7. Respect the confidentiality appropriate to issues of a sensitive nature;
  - 2.5.8. Respect the decisions of the majority and resign if unable to do so;
  - 2.5.9. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings;
  - 2.5.10. Have a thorough knowledge and understanding of all DPC governance documents; and
  - 2.5.11. Comply at all times with the bylaws, policies, and rules and regulations of DPC and FINA, including complying with contracts or agreements executed with or by DPC.
- 2.6. Parents/guardians and spectators will:
- 2.6.1. Encourage athletes to compete within the rules;
  - 2.6.2. Respect the decisions and judgments of officials, and encourage athletes to do the same;
  - 2.6.3. Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm; and
  - 2.6.4. Respect and show appreciation to all competitors, coaches, officials and volunteers.
- 2.7. Provincial sections and clubs will:
- 3.7.1 Adhere to all of DPC's governing documents and, where necessary, amend their own rules to comply or align with those of DPC
  - 3.7.2 Recognize that their websites, blogs and social media accounts may be seen as extensions of DPC and must reflect DPC's mission, vision and values
  - 3.7.3 Ensure that all athletes and coaches participating in sanctioned competitions and events of DPC are registered and in good standing
  - 3.7.4 Have well-defined hiring practices and standards in place including interviews, reference checks, and screening procedures to ensure athletes have a healthy and safe sport environment
  - 3.7.5 Ensure that any possible or actual misconduct is investigated promptly and thoroughly
  - 3.7.6 Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender

- 3.7.7 Advise DPC immediately of any situation where a complainant has publicized a complaint in the media
- 3.7.8 Per the *Reciprocation Policy*, provide DPC with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals

### **3. Types of Infractions**

- 3.1. Failure by a Participant to adhere to the expected standards of conduct 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.
- 3.2. 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
  - 3.2.1. Single instances of disrespectful comments or behaviour directed towards others;
  - 3.2.2. Single instances of unsportsmanlike conduct;
  - 3.2.3. Being late for or absent from DPC events and activities at which attendance is expected or required; or
  - 3.2.4. Single instances of non-compliance with the policies and rules of DPC or FINA.
- 3.3. 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, Director, or senior staff member.
- 3.4. 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:
  - 3.4.1. Repeated minor infractions;
  - 3.4.2. Activities or behaviours that interfere with a competition or with any athlete or coach's preparation for a competition;
  - 3.4.3. Pranks, jokes or other activities that endanger the safety of others;
  - 3.4.4. Disregard for the policies and rules of DPC or FINA;
  - 3.4.5. Conduct that intentionally damages the image, credibility or reputation of DPC, including entering into a conflict of interest;
  - 3.4.6. Behaviour that constitutes Harassment, Maltreatment, Workplace Harassment, Abuse, Workplace Violence, or Discrimination; and
  - 3.4.7. Abusive use of alcohol/cannabis, 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.
- 3.5. It is a major infraction for any Individual who holds a position in authority with DPC to place an individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing an athlete and a coach to share a hotel room when traveling, hiring a coach who is known to have a past history of Maltreatment, assigning other support staff to an athlete when the

support staff has a history of Maltreatment, or assigning such support staff to an athlete in the absence of consultation with the athlete.

- 3.6. Major infractions will be reviewed and dealt with in accordance with the disciplinary procedures set out in this Policy. DPC, with input from the Independent Third Party Officer, may determine an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Committee.
- 3.7. 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.

#### **4. Reporting an Infraction**

- 4.1. Any individual may make a complaint or report an infraction to an “Official” or to DPC’s Independent Third Party Officer. Such complaint should be in writing and 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.

DPC’s Independent Third Party Officer contact information can be found on DPC’s website at [www.diving.ca](http://www.diving.ca).

- 4.2. Upon receiving a complaint, the Official will provide it immediately to the Independent Third Party Officer.
- 4.3. Upon receiving a complaint, the Independent Third Party Officer will review the complaint and may:
  - 4.3.1. Dismiss the complaint if they consider it to be trivial, vexatious or untimely;
  - 4.3.2. Determine that the complaint does not fall within the jurisdiction of this policy, and refer it to the appropriate body having jurisdiction;
  - 4.3.3. Direct the matter to be dealt with through facilitation or mediation (per the *Dispute Resolution Policy*);
  - 4.3.4. Find that there are possible instances of offence under the Criminal Code, particularly related to, but not limited to, Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation and if so, the Independent Third Party Officer shall advise the complainant to refer the matter to police or will do so themselves if required by law;
  - 4.3.5. Direct that the complaint be dealt with informally as a minor infraction by a decision-maker at DPC;
  - 4.3.6. Determine that the complaint should be investigated (per the *Investigations Policy*); and/or
  - 4.3.7. Refer the matter to the Discipline Committee, described in Section 5, to be established pursuant to Section 6 hereof.



## **5. Disciplinary Procedures**

- 5.1. Upon referral of a major infraction to a Discipline Committee pursuant to subsection 4.3.6 hereof, the Independent Third Party Officer will appoint a Case Manager to manage the complaint. The Independent Third Party may act as the Case Manager.
- 5.2. The Case Manager will appoint a Discipline Committee as follows:
  - 5.2.1. The Discipline Committee shall be an independent tribunal comprised of one - three persons appointed by the Independent Third Party Officer, established solely for the purpose of adjudicating the major infractions brought before it pursuant to this Policy.
- 5.3. The Case Manager 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.
- 5.4. The Case Manager will determine the format of the disciplinary process, which may involve written submissions, an oral hearing in person, an oral hearing by telephone or video conference, a hearing based on written submissions or a combination of these methods.
- 5.5. The Complainant and Respondent:
  - 5.5.1. 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;
  - 5.5.2. will receive a copy of the Investigation Report (or a summary of the report) if an investigation was carried out;
  - 5.5.3. may be accompanied by a representative; and
  - 5.5.4. will have the right to present evidence and argument before the Discipline Committee.
- 5.6. 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 by the Case Manager to the Respondent, the Complainant and DPC's Chief Operating Officer. The decision will also be distributed to the applicable provincial sections and clubs and considered a public record, unless determined otherwise by the Discipline Committee.
- 5.7. In fulfilling its duties, and with the approval of DPC's Chief Operating Officer prior to any costs being incurred, the Case Manager and Discipline Committee may obtain independent advice.

## **6. Disciplinary Sanctions**

- 6.1 Prior to determining sanctions, the Discipline Committee (for major infractions) or a DPC decision-maker (for minor infractions), as applicable, will consider factors relevant to determining appropriate sanctions which include:



- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance or the Respondent is a Person in Authority;
- b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
- c) The ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this Policy; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is a Person in Authority or otherwise in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances

6.2 Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

6.3 The Discipline Committee (for major infractions) or DPC decision-maker (for minor infractions), as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Conduct Policy* and that more severe sanctions will result should the Participant be involved in other violations
- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Conduct Policy*
- c) **Probation** - Should any further violations of the *Conduct Policy* occur during the probationary period, will result in additional disciplinary measures, likely including a period of Suspension or Permanent Ineligibility from DPC activities and events. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time

- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of DPC. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of DPC
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

6.4 The above sanctions 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.

6.5 Unless the Discipline Committee decides otherwise, any disciplinary sanctions (such as a period of ineligibility) will begin immediately and timelines will be provided for fulfillment of other sanctions (such as a written apology), notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Committee will result in an automatic suspension until such time as compliance occurs.

6.6 Records of all decisions will be maintained by DPC.

## **7. Criminal Convictions**

- 7.1 A Participant's conviction, at any time, for any of the following *Criminal Code* offenses shall carry a presumptive sanction of permanent ineligibility from participating with DPC and expulsion:
  - 7.1.1. Any offense involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List;
  - 7.1.2. Any offense involving child pornography;
  - 7.1.3. Any sexual offence involving a Minor;
  - 7.1.4. Any offence of assault involving a Minor; or
  - 7.1.5. Any offence of physical or psychological violence involving a Minor.

- 7.2 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 may result in immediate expulsion from DPC:
- 7.2.1. Any sexual offense other than involving a Minor;
  - 7.2.2. Any theft or fraud offence
  - 7.2.3. Any offence of assault other than involving a Minor; or
  - 7.2.4. Any offence of physical or psychological violence other than involving a Minor.

## **8. Appeals**

- 8.1 All appeals of decisions made in accordance with this Policy are subject to appeal pursuant to DPC's *Appeal Policy*.