

INTRODUCTION AND DEFINITIONS

Diving Plongeon Canada (“DPC”) has a fundamental obligation and responsibility to protect the health, safety, as well as the physical and mental well-being of every individual that is involved in the Canadian diving community.

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

The following safe sport policies (the “Safe Sport Policies”) are intended to promote a safe sport environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise, and to prevent issues from arising in the first place by communicating expected standards of behaviour.

1. Discipline and Complaints Policy
2. Code of Conduct and Ethics
3. Abuse Policy
4. Whistleblower Policy
5. Reciprocation Policy
6. Social Media Policy
7. Appeal Policy

The Safe Sport Policies apply to DPC, provincial sections, clubs, and all individuals affiliated or involved with those sport organizations. Provincial sections and clubs are encouraged to develop their own policies but can also adapt or adopt these safe sport policies for their own use.

Should any individuals involved with DPC and its members, including but not limited to athletes, coaches, officials, volunteers, and parents/guardians of athletes, wish to report any instance of misconduct or maltreatment, they must do so by communicating directly with DPC’s Independent Third Party Officer, who will then determine the appropriate forum and manner in which to address the complaint. Breaching the Safe Sport Policies can cause significant sanctions up to and including permanent ineligibility from participation.

Instances of misconduct or maltreatment can also be filed against ‘UCCMS Participants’ (defined below) to the Office of the Sport Integrity Commissioner (“OSIC”).

Unless something in the subject matter or context is inconsistent therewith, when used in the Safe Sport Policies, the following terms shall have the following meanings:

“Abuse” – Any type of abuse as described in DPC’s Abuse Policy

“Affected Party” – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right

“Appeal Manager” – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*

“Appellant” – The Party appealing a decision

“Athlete” – An individual who is an Athlete participant in DPC who is subject to the policies of the Organization and to this Code

“Athlete Support Personnel” - Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition

“Board” – DPC’s board of directors elected or appointed in accordance with DPC’s by-laws

“Bullying” – Offensive behaviour and/or abusive treatment of an Organizational Participant that typically, but not always, involves an abuse of power

“Complainant” – An individual who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in DPC’s policies, by-laws, rules or regulations, or the UCCMS

“Days” – Days including weekends and holidays

“Director of Sanctions and Outcomes” – Responsible for overseeing the imposition of Provisional Measures, agreed outcomes, sanctions and for appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable)

“Discrimination” – Differential treatment of an individual based on one or more prohibited grounds, as described in applicable human rights legislation, which may include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.

“Event” – an event sanctioned by DPC or a Member, and which may include a social Event

“External Discipline Panel”– A Panel of one or three people who are appointed by the Independent Third Party (or designate) to decide on complaints that are assessed under Process #2 of the *Discipline and Complaints Policy*

“Harassment” – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

- a) Written or verbal abuse, threats, or outbursts;
- b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
- c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
- d) Leering or other suggestive or obscene gestures;
- e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- f) Practical jokes which endanger a person’s safety, or may negatively affect performance;
- g) Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
- h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- i) Deliberately excluding or socially isolating a person from a group or team;

- j) Persistent sexual flirtations, advances, requests, or invitations;
- k) Physical or sexual assault;
- l) Contributing to a poisoned sport environment, which can include:
 - i. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
 - ii. Groups where harassing behaviour is part of the normal course of activities
 - iii. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance
- m) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- n) Retaliation or threats of retaliation against a person who reports harassment to DPC.

"Independent Third Party Officer" - An independent individual (or individuals) appointed by DPC to receive and administer complaints under the *Discipline and Complaints Policy*

"Internal Discipline Chair" - An individual appointed by DPC to decide on complaints that are assessed under Process #1 of the *Discipline and Complaints Policy*. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with DPC but must not be in a conflict of interest

"Maltreatment" - as defined in the UCCMS

"Members" - DPC's provincial sections and Committees (Athletes, Coaches, Officials) which are described in Article 3 of the DPC By-Laws.

"Minor" - Any individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a minor. The age of a child is defined as follows:

- i. 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
- ii. 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
- iii. 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon

“OSIC” – Office of the Sport Integrity Commissioner, an independent division of the Sport Dispute Resolution Centre of Canada (SDRCC) which comprises the functions of the Sport Integrity Commissioner

“Organizational Participant” – Refers to all categories of individual members and/or Registrants defined in the By-laws of DPC who are subject to the policies of DPC, including the Universal Code of Conduct to Prevent Maltreatment in Sport (UCCMS), as well as all people employed by, contracted by, or engaged in activities with, DPC and its Members including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.

“Parties” – the Complainant(s) and Respondent(s) and, in the case of appeals, any Affected Parties

“Person in Authority” – An Organizational Participant who holds a position of authority within DPC, or any of its Members, including, but not limited to, coaches, managers, support personnel, chaperones, and Directors

“Power Imbalance” – As defined in the UCCMS

“Provisional Suspension” – means that the Organizational Participant is barred temporarily from participating in in any capacity in any Event or activity of DPC and its Members, or as otherwise decided pursuant to the *Discipline and Complaints Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy

“Registrant” – any individual who is engaged in activities that are provided, sponsored, supported, sanctioned or recognized by 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.

“Report” – As defined in the UCCMS

“Respondent” – the individual or body whose decision is being appealed or, in the case of an appeal of a written decision made per to the *Discipline and Complaints Policy*, the other party to the dispute.

“Safe Sport Policies” – including but not limited to the Discipline and Complaints Policy, Code of Conduct and Ethics, Abuse Policy, Whistleblower Policy, Reciprocation Policy, Social Media Policy, Appeal Policy

“Social Media” – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.

“UCCMS” – Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the Sport Dispute Resolution Centre of Canada (“SDRCC”)

“UCCMS Participant” – An Organizational Participant affiliated with DPC who has been a) designated by DPC and b) who has signed the required consent form. UCCMS Participants may include an athlete, a coach, an official, an athlete support personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing DPC in any capacity

“Vulnerable Individuals” – Includes Children / Youth (people under the age of 18 years old) and Vulnerable Adults (people who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority);

“Workers” – all individuals who perform work for DPC including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, and independent contractors.

“Workplace” - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, DPC’s office, work-related social functions, work assignments outside DPC’s offices, work-related travel, swimming pools, training facilities and work-related conferences or training sessions

“Workplace Harassment” – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:

- a) Workplace pranks, vandalism, bullying or hazing;
- b) Repeated offensive or intimidating phone calls or emails;

- c) Inappropriate sexual touching, advances, suggestions or requests;
- d) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- e) Psychological abuse;
- f) Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings;
- g) Deliberately withholding information that would enable a person to do his or her job, perform or train;
- h) Sabotaging someone else's work or performance;
- i) Gossiping or spreading malicious rumours;
- j) Intimidating words or conduct (offensive jokes or innuendos); and
- k) Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning

“Workplace Violence” – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:

- a) Verbal or written threats to attack;
- b) Sending to or leaving threatening notes or emails;
- c) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- d) Wielding a weapon in a Workplace;
- e) Hitting, pinching or unwanted touching which is not accidental;
- f) Dangerous or threatening horseplay;
- g) Physical restraint or confinement;

- h) Blatant or intentional disregard for the safety or wellbeing of others;
- i) Blocking normal movement or physical interference, with or without the use of equipment;
- j) Sexual violence; and
- k) Any attempt to engage in the type of conduct outlined above