

## COACHING ASSOCIATION OF CANADA (CAC) CODE OF CONDUCT with DISCIPLINARY PROCEDURES

### Definitions

1. The following terms have these meanings in this Code:
  - a) "*Complainant*" – The Party alleging an infraction
  - b) "*Respondent*" – The alleged infracting Party
  - c) "*Parties*" – The Complainant, Respondent, and any other Individuals, persons, or organizations affected by the complaint
  - d) "*Days*" – Days irrespective of weekend and holidays
  - e) "*Administrator*" – The individual, either the Executive Director of Professional Coaching or the CEO of the CAC, or their respective designate, who receives an applicable complaint
  - f) "*Case Manager*" – The individual appointed by the Administrator who has an overall responsibility to ensure procedural fairness is respected at all times, and to implement this *Code of Conduct with Disciplinary Procedures* in a timely manner
  - g) "*Individuals*" – All categories of membership defined in the CAC's Bylaws, as well as all individuals employed by, or engaged in activities with, the CAC including but not limited to, Licensed and Registered Coaches, volunteers, committee members, and Directors and Officers of the CAC

### Purpose

2. Affiliation with the CAC brings many privileges and benefits. At the same time, Individuals are expected to meet certain obligations including complying with CAC policies and this Code of Conduct. Irresponsible behaviour by Individuals can result in severe damage to the integrity of the CAC.
3. Individuals must be aware that they are expected to model behaviour appropriate for the Individual's role as a representative of the CAC. This document outlines the conduct expected of Individuals and the Disciplinary Procedures that Individuals are subject to if there is a complaint about an Individual's conduct.

### Application of the Code of Conduct

4. The Code of Conduct applies to Individuals' conduct during CAC-related business, coaching activities, and events including, but not limited to, competitions, tournaments, games, matches, practices, tryouts, training camps, and travel associated with coaching.
5. The Code of Conduct also applies to Individuals' conduct outside of CAC-related business, coaching activities, and events when such conduct adversely affects relationships with other Individuals or athletes, or when it is detrimental to the image and reputation of the CAC.

### NCCP Code of Ethics

6. Licensed and Registered Coaches of the CAC agree to follow the NCCP Code of Ethics (2016), which describes five Ethical Principles and the corresponding Standards of Behaviour Expected of Coaches.

| Principle                              | Standards of Behaviour Expected of Coaches   |
|--|--|
| Physical safety and health of athletes | Ensure that training or competition site is safe at all times  |
|  | Be prepared to act quickly and appropriately in case of emergency  |
|  | Avoid placing athletes in situations presenting unnecessary risk or that are beyond their level  |
|  | Strive to preserve the present and future health and well-being of athletes  |
| Coaching responsibly                   | Make wise use of the authority of the position and make decisions in the interest of athletes  |
|  | Foster self-esteem among athletes  |
|  | Avoid deriving personal advantage for a situation or decision  |
|  | Know one's limitations in terms of knowledge and skills when making decisions, giving instructions or taking action  |
|  | Honour commitments, word given, and agreed objectives  |
|  | Maintain confidentiality and privacy of personal information and use it appropriately  |
| Integrity in relations with others     | Avoid situations that may affect objectivity or impartiality of coaching duties  |
|  | Abstain from all behaviours considered to be harassment or inappropriate relations with an athlete   |
|  | Always ensure decisions are taken equitably  |
| Respect                                | Ensure that everyone is treated equally, regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, language, creed, religion, athletic potential, disability, family status, marital status, gender identity, gender expression, sex, and sexual orientation |
|  | Preserve the dignity of each person in interacting with others   |
|  | Respect the principles, rules, and policies in force   |
| Honouring sport                        | Strictly observe and ensure observance of all regulations  |
|  | Aim to compete fairly  |
|  | Maintain dignity in all circumstances and exercise self-control  |
|  | Respect officials and accept their decisions without questioning their integrity   |

7. Licensed and Registered Coaches who do not follow the NCCP Code of Ethics may have violated the CAC's *Code of Conduct with Disciplinary Procedures* and may be subject to sanction under the terms of this document.

### Responsibilities

8. Individuals have the following responsibilities:

#### *Dignity*

9. Maintain and enhance the dignity and self-esteem of athletes and other Individuals by:
- Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation
  - Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members

- c) Consistently demonstrating a spirit of sportsmanship, sport leadership, and ethical conduct
- d) Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
- e) Consistently treating individuals fairly and reasonably
- f) Ensuring adherence to the rules of the sport and the spirit of those rules

### *Harassment*

10. 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. Types of behaviour that constitute harassment include, but are not limited to:
- a) Written or verbal abuse, threats, or outbursts
  - b) The display of visual material which is offensive or which one ought to know is offensive in the circumstances
  - c) Unwelcome remarks, jokes, comments, innuendo, or taunts
  - 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 cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
  - g) Any form of hazing where hazing is defined as *"Any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking athlete by a more senior teammate, which does not contribute to either athlete's positive development, but is required to be accepted as part of a team, regardless of the junior-ranking athlete'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 based on class, number of years on the team, or athletic ability."*
  - h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
  - i) Unwelcome sexual flirtations, advances, requests, or invitations
  - j) Physical or sexual assault
  - k) Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
  - l) Retaliation or threats of retaliation against an individual who reports harassment to the CAC
11. Refrain from any behaviour that constitutes **sexual harassment**, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:
- a) Sexist jokes
  - b) Display of sexually offensive material
  - c) Sexually degrading words used to describe a person
  - d) Inquiries or comments about a person's sex life
  - e) Unwelcome sexual flirtations, advances, or propositions
  - f) Persistent unwanted contact

### *Doping and Drug Use*

12. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the CAC adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program will be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to the Disciplinary Procedures. The CAC will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program imposed by any other sport organization.

13. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision 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).

#### *Inappropriate Behaviour*

14. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
15. Avoid consuming alcohol in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations at sanctioned events.
16. Respect the property of others and not wilfully cause damage.
17. Adhere to all federal, provincial, municipal and host country laws.

#### *Athlete Safety*

18. 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.
19. Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes.
20. Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments.

#### *Athlete Development*

21. Support the coaching staff of a training camp, provincial/territorial team, or national team; should an athlete qualify for participation with one of these programs.
22. Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete.
23. Act in the best interest of the athlete's development as a whole person.
24. Respect coaches.
25. Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes.

#### *Athlete Protection*

26. Self-report any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance.

27. 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.
28. Not engage in a sexual relationship with an athlete under 18 years old or an intimate or sexual relationship with an athlete over the age of 18 if the individual is in a position of power, trust, or authority over the athlete.
29. Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights.

### **Disciplinary Procedure – Application**

30. The Disciplinary Procedures apply to Individuals' conduct during CAC-related business, coaching activities, and events including, but not limited to, competitions, tournaments, games, matches, practices, tryouts, training camps, and travel associated with coaching.
31. This Procedure does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the particular event.
32. Individuals may also be subject to the disciplinary rules and processes of other associations, clubs, or organizations. The CAC will respect decisions made by those bodies.

### **Reporting a Complaint**

33. Any member of the public, including but not limited to parents, athletes, club or organization representatives, coaches, or representatives of the CAC may report any complaint. Complaints about Licensed and Registered Coaches should be submitted to the Executive Director of Professional Coaching and other complaints should be submitted to the Chief Executive Officer (CEO) of the CAC. The Executive Director or CEO, as applicable, will act as an Administrator to receive the complaint, or appoint a designate. Complaints must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the Administrator.
34. Complaints that are submitted about a Licensed or Registered Coach, who is also a committee member, volunteer, or Director of Officer of the CAC, will be addressed by the Executive Director of Professional Coaching and the CEO of the CAC (or designate(s)), working together, to determine how the complaint will be administered.
35. A complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Administrator. This decision may not be appealed.

### **Mediation**

36. Before any complaint proceeds to the formal stage, the matter will first be reviewed by the Administrator, with the objective of resolving the dispute informally or with the assistance of a mediator. In cases involving Licensed and Registered Coaches, the Executive Director (or designate) may seek the assistance of the Chair or members of the Professional Practices Committee to help resolve the dispute. Complaints or disputes that

are resolved informally or by means of mediation may not be appealed or subsequently re-submitted as a complaint under these Disciplinary Procedures.

### **Complaint Administration**

37. Should the efforts of the Administrator or any mediator not resolve the dispute, the Administrator will act as Case Manager to oversee management and administration of a complaint submitted in accordance with this Procedure. If the Administrator is unable to serve as Case Manager for reason of lack of neutrality or other conflict, then the Administrator will appoint an independent Case Manager. The Administrator will also have the discretion to appoint an independent Case Manager if the complaint is complex and, in his or her opinion, is best administered by someone having experience and specific skills in the management of disciplinary hearings.
38. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous or vexatious, and within the jurisdiction of this Procedure. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Procedure, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed
  - b) Identify the Parties to the complaint, which may include the complainant
  - c) Coordinate all administrative aspects of the complaint
  - d) Provide administrative assistance and logistical support to the Tribunal as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

### **Jurisdiction**

39. This Procedure does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes an infraction. Further sanctions may be applied in accordance with the procedures set out in this Procedure.
40. This procedure does not take precedence over any dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement.
41. 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. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this document.

### **Infractions**

42. Infractions consist of single or multiple incidents of failing to achieve expected standards of conduct that may result in harm to others, to Individuals, the CAC, or to the public. Examples of infractions can include, but are not limited to, incidents of:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
  - b) Disrespectful conduct such as outbursts of anger or argument
  - c) Non-compliance with, or disregard for, CAC policies, procedures, rules, or regulations
  - d) Violations of the *Code of Conduct*
  - e) Tampering
  - f) Any incident of hazing
  - g) Physical abuse
  - h) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct

- i) Pranks, jokes, or other activities that endanger the safety of others
- j) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- k) Conduct that intentionally damages the image, credibility, or reputation of the CAC
- l) Abusive use of alcohol, provision of alcohol to minors, or use or possession of illicit drugs and narcotics
- m) Any possession or use of banned performance enhancing drugs or methods, or condoning such use by others

### **Suspension Pending a Hearing**

43. The Case Manager may determine that an alleged incident is of such seriousness as to warrant immediate suspension of an Individual pending a hearing and a decision of the Tribunal.

### **Hearing Procedure**

44. The Case Manager will notify the Parties that the complaint is legitimate and the incident will go to a hearing. The Case Manager, in consultation with the Professional Practices Committee (if the case involves a Licensed or Registered Coach), will then decide the procedure, format and timelines under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
45. The Case Manager or the Professional Practices Committee (in cases involving a Licensed and Registered Coach) will appoint a Discipline Tribunal, which will consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Committee, a Tribunal of three persons may be appointed to hear the complaint. In this event, one of the Tribunal's members will serve as the Chair.
46. The Tribunal members must be free from conflict of interest and may not include any member of the Professional Practices Committee who previously served to review the complaint for purposes of informal resolution or mediation (if applicable).
47. If the Respondent acknowledges the facts of the incident, he or she may waive the hearing, in which case the Tribunal will determine the appropriate disciplinary sanction. The Tribunal may still hold a hearing for the purpose of determining an appropriate sanction.
48. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.
49. As determined by the Case Manager, the hearing may involve an oral in-person hearing, an oral hearing by telephone, 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 deems appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
  - b) Copies of any written documents which the Parties wish to have the Tribunal consider will be provided to all Parties in advance of the hearing
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) The Tribunal may request that any other individual, including the complainant, participate and give evidence at the hearing
  - e) The Tribunal 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 will place such weight on the evidence as it deems appropriate

- f) If the Tribunal is made up of three persons, the decision will be by a majority vote

50. In fulfilling their duties, the Case Manager and the Tribunal may obtain independent advice.

### Decision

51. After hearing the matter, the Tribunal will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Tribunal's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the CAC. In extraordinary circumstances, the Tribunal may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.

### Sanctions

52. The Tribunal may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand from the CAC
- b) Verbal or written apology
- c) Further education, training, or counselling
- d) Service or other voluntary contribution to the CAC
- e) Removal of certain privileges for a designated period of time
- f) Suspension from certain competitions, activities, or events
- g) Suspension or expulsion from the CAC
- h) Fines
- i) Payment of the cost of repairs for property damage
- j) Any other sanction considered appropriate for the offense

53. Unless the Tribunal decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Tribunal will result in automatic suspension until such time as compliance occurs.

54. Infractions that result in discipline will be recorded and records will be maintained by the CAC.

### Criminal Convictions

55. An Individual's conviction for any of the following *Criminal Code* offenses will be deemed an infraction and will result in expulsion from the CAC:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

### Confidentiality

56. The complaints and discipline process is confidential and involves only the Parties, the Case Manager, the Tribunal, and any independent advisors to the Tribunal. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.



### **Timelines**

57. If the circumstances of the complaint are such that adhering to the timelines outlined by this Procedure will not allow a timely resolution to the complaint, the Tribunal may direct that these timelines be revised.

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

58. Infractions that result in discipline will be recorded and maintained by the CAC and provided, at the CAC's discretion, to the CAC for inclusion in the national registry of coaches.

59. National and provincial sport associations with whom the Individual has an affiliation may be advised of any decisions rendered under this Procedure.

60. Decisions are matters of public interest and will be publicly available with the names of the Parties redacted. Names of Individuals disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

### **Appeals Procedure**

61. The decision of the Tribunal may be appealed in accordance with the CAC's *Licensed and Registered Coach Appeal Policy* or the CAC's *Appeal Policy*, as applicable.