



NICOMEKL ROWING CLUB SAFE SPORT POLICY MANUAL

Introduction

NICOMEKL ROWING CLUB has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every Individual that is involved in its rowing community.

NICOMEKL ROWING CLUB takes any situation involving misconduct or Maltreatment very seriously; for this reason, NICOMEKL ROWING CLUB is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or Maltreatment.

This NICOMEKL ROWING CLUB Safe Sport Policy Manual contains policies for its entire rowing community. The 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 they are also intended to prevent issues from arising by communicating expected standards of behaviour to all participants.

This NICOMEKL ROWING CLUB Safe Sport Policy Manual has been prepared by Rowing Canada Aviron (RCA), adapted by Rowing BC, and is the applicable safe sport policy for NICOMEKL ROWING CLUB. Should any individuals involved with rowing programs, including athletes, coaches, umpires, officials, volunteers, and parents/guardians of athletes, wish to Report any instance of misconduct or Maltreatment, they must do so directly to RCA's Independent Third Party (referenced herein), who will then determine the appropriate forum and manner of addressing the complaint.

This NICOMEKL ROWING CLUB Safe Sport Policy Manual incorporates the substantive aspects of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), created in consultation with key entities in Canada's national sport community. The UCCMS may continue to evolve in the foreseeable future, and this NICOMEKL ROWING CLUB Safe Sport Policy Manual incorporates the key elements of the current version of the UCCMS. Going forward, this NICOMEKL ROWING CLUB Safe Sport Policy Manual may be amended further, if modifications are made to the UCCMS, to ensure that the UCCMS is fully incorporated into NICOMEKL ROWING CLUB's policy literature. In the event that the UCCMS is modified before amendments are made to this NICOMEKL ROWING CLUB Safe Sport Policy Manual, any such modifications shall be incorporated in this NICOMEKL ROWING CLUB Safe Sport Policy Manual by reference.

As a local sport organization in BC, NICOMEKL ROWING CLUB promotes and applies the BC Universal Code of Conduct (BCUCC) in accordance with applicable viaSport requirements. While the NICOMEKL ROWING CLUB Safe

Sport Policy Manual incorporates substantive aspects of the BCUCC, the BCUCC is also applicable to NICOMEKL ROWING CLUB, and they should be read and applied collectively, not exclusively.

Certain policies found in this NICOMEKL ROWING CLUB Safe Sport Policy Manual also apply to matters beyond safe sport (i.e., the Appeal Policy). As such, copies of these policies will also be published separately on NICOMEKL ROWING CLUB's website so that they are accessible and applicable in all relevant areas.

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NICOMEKL ROWING CLUB

DEFINITIONS

The terms defined below shall apply to all policies included in this NICOMEKL ROWING CLUB Safe Sport Manual.

1. *“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 under the *Appeal Policy*.
2. *“Appellant”* – The Party appealing a decision pursuant to the *Appeal Policy*.
3. *“Appeal Manager”* – An individual appointed by NICOMEKL ROWING CLUB who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee the administration of the *Appeal Policy*. The Appeal Manager’s responsibilities shall include those as described in the *Appeal Policy*.
4. *“Athlete”* – includes any Individual who is registered with NICOMEKL ROWING CLUB as a rower.
5. *“Board”* – the Board of Directors of NICOMEKL ROWING CLUB.
6. *“Case Manager”* – an independent individual appointed by NICOMEKL ROWING CLUB, to fulfill the responsibilities described in the *Discipline and Complaints Policy*. In order to be appointed as a Case Manager, the individual must have relevant experience and skills to manage complaints and perform their duties, either as a legal practitioner or sport administrator.
7. *“Complainant”* – the Party making a complaint pursuant to the *Discipline and Complaints Policy*.
8. *“Complaint Resolution Officer”* – an individual appointed by NICOMEKL ROWING CLUB to handle the duties of the Complaint Resolution Officer as described in the *Discipline and Complaints Policy*.
9. *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
10. *“Days”* – calendar days¹
11. *“Designated Event”* - An Event sanctioned by NICOMEKL ROWING CLUB, or an approved social event, at which the approving body has designated the Event as one where the consumption of alcohol and/or cannabis (as applicable) is permitted, in line with BC's "Serving It Right" guidelines.
12. *“Discrimination”* – Differential treatment of an individual based on one or more prohibited grounds which 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.
13. *“Event”* – An event sanctioned by NICOMEKL ROWING CLUB, or an approved social event.
14. *“Harassment”* – A vexatious comment (or comments) or conduct against an Individual or group of Individuals, irrespective of whether the comment or conduct occurs in person or via any other media, including Social Media, which is known or ought to reasonably be known to be unwelcome and distressing to the Individual or group of Individuals. Types of behaviour that constitute Harassment include, but are not limited to:

¹ For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a statutory holiday, the period runs until the next day that is not a Saturday, a Sunday or a statutory holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a statutory holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

- i. Written or verbal abuse, threats, or outbursts.
- ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts.
- iii. 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.
- iv. Leering or other suggestive or obscene gestures.
- v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions.
- vi. Practical jokes which endanger a person's physical or mental safety, or which may negatively affect performance.
- vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity which does not contribute to any Individual's positive development, but is required to be accepted as part of a team or group, regardless of the Individual's willingness to participate. This includes, but is not limited to, any ceremonial 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;
- viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - ix. Deliberately socially isolating an Individual from a team;
 - x. Persistent sexual flirtations, advances, requests, or invitations;
 - xi. Physical or sexual assault;
 - xii. 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
- xiii. Retaliation or threats of retaliation against a person who Reports harassment to NICOMEKL ROWING CLUB.

For clarity, the above definition is designed to protect the physical and mental health of Individuals, or groups of Individuals. The definition is not intended to stifle or restrict commentary about NICOMEKL ROWING CLUB, or organizations affiliated with NICOMEKL ROWING CLUB, that is made in good faith with a view to improving the operation and function of that organization.

- 15. "*Independent Third Party*" – the independent individual retained by RCA to receive complaints and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy* and *Investigation Policy*, as applicable.
- 16. "*Individuals*" – refers to all categories of members and/or registrants, as well as all people employed by, contracted by, or engaged in activities with NICOMEKL ROWING CLUB including, but not limited to, employees, contractors, athletes, coaches, umpires, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members or Directors or Officers
- 17. "*Maltreatment*" – any intentional, non-consensual act by an Individual that results in harm or the potential for physical or psychological harm to another Individual, and includes any of the following behaviours or conduct:
 - i. Psychological Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
 - a. Verbal Acts: verbally assaulting or attacking an Individual, including but not limited to:
 - i. unwarranted personal criticisms;
 - ii. body shaming;

- iii. derogatory comments related to an Individual's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability);
 - iv. comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening;
 - v. the use of rumours or false statements about an Individual to diminish their reputation;
 - vi. using confidential sport and non-sport information inappropriately.
 - b. Written Acts: any written statement which, if it had been stated verbally, would have constituted a "Verbal Act" under (a) above.
 - c. Non-assaultive Physical Acts (no physical contact): physically aggressive behaviours, including but not limited to throwing objects at or in the presence of others without striking another; hitting, striking, or punching objects in the presence of others.
 - d. Acts that Deny Attention or Support: acts that deny attention, or result in a lack of support or isolation, including but not limited to:
 - i. ignoring psychological needs or socially isolating an Individual repeatedly or for an extended period of time;
 - ii. abandonment of an Athlete as punishment for poor performance; or
 - iii. arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.
- ii. Physical Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical or psychological well-being of an Individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
 - a. Contact behaviours: including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another, or deliberately hitting another with objects;
 - b. Non-contact behaviours: including but not limited to:
 - i. isolating an Individual in a confined space;
 - ii. forcing an Individual to assume a painful stance or position for no athletic purpose (e.g., requiring an Athlete to kneel on a hard surface);
 - iii. the use of exercise for the purposes of punishment without an athletic purpose;
 - iv. withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep;
 - v. denying access to a toilet;
 - vi. providing alcohol to an Individual under the legal drinking age;
 - vii. providing illegal drugs or non-prescribed medications to an Individual;
 - viii. encouraging or knowingly permitting an Athlete to return to training, on or off the water, prematurely following any injury and without the clearance of a medical professional; or
 - ix. encouraging an Athlete to perform a skill for which they are known to not be developmentally ready.
- iii. Sexual Maltreatment, including but not limited to: any act targeting an Individual's sexuality, gender identity or expression, that is committed, threatened, or attempted against that person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism,

and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, and cyber harassment of a sexual nature.

- a. Examples of Sexual Maltreatment include, but are not limited to:
 - i. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 1. vaginal penetration by a penis, object, tongue, or finger;
 2. anal penetration by a penis, object, tongue, or finger; and
 3. oral penetration by a penis, object, tongue, or finger.
 - ii. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 1. kissing;
 2. intentional touching of the breasts, buttocks, groin or genitals of another, whether clothed or unclothed, or the intentional touching of another with any of these body parts;
 3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
 4. making another touch themselves, the Individual, or someone else with or on any of the body parts listed in (2) above.
 5. any intentional touching in a sexualized manner in light of the relationship, context, or situation.
- iv. Neglect: any pattern or a single serious incident of lack of reasonable care, inattention to an Individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour, but the behaviour must be evaluated with consideration given to the Individual's needs and requirements, not whether harm is intended or resulted from the behaviour.
 - a. Neglect, or acts of omission, include without limitation:
 - i. not providing an Athlete recovery time and/or treatment for a sport injury;
 - ii. not being aware of, and not considering, an Individual's physical or intellectual disability;
 - iii. not considering supervision of an Athlete during travel, training or competition;
 - iv. not considering the welfare of the Athlete when prescribing dieting or other weight control methods (e.g., caliper tests);
 - v. disregarding the use of Prohibited Substances or Methods by an Athlete;
 - vi. failure to ensure the safety of equipment or environment;
 - vii. allowing an Athlete to disregard sport rules, regulations, and standards; or
 - viii. subjecting Individuals to the risk of Maltreatment.
- v. Grooming: includes, without limitation, deliberate conduct by an adult Individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally-identified to Canadian standards. Examples include:
 - a. A degrading remark;
 - b. a sexual joke;
 - c. sexualized physical contact;
 - d. adult participants sharing rooms with a Minor who is not an immediate family member;

- e. providing a massage or other purported therapeutic interventions with no specific training or expertise;
 - f. private Social Media and text communications;
 - g. sharing sexualized personal photographs;
 - h. shared use of locker rooms;
 - i. private meetings with no athletic purpose;
 - j. private travel; or
 - k. providing gifts.
- vi. Interference with or Manipulation of Process
- a. An adult Individual violates the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* by directly or indirectly interfering with a process instituted pursuant to the *Code* or any other policy of NICOMEKL ROWING CLUB by:
 - i. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - ii. destroying or concealing information;
 - iii. attempting to discourage an Individual's proper participation in or use of processes of NICOMEKL ROWING CLUB;
 - iv. harassing or intimidating (verbally or physically) any person involved in processes of NICOMEKL ROWING CLUB before, during, and/or following any proceedings;
 - v. publicly disclosing an Individual's identifying information, without the Individual's agreement, where a process has been initiated;
 - vi. failing to comply with any temporary or provisional measure, or final sanction;
 - vii. distributing or otherwise publicizing materials an Individual gains access to during any investigation or hearing, except as required by law or as expressly permitted by the Complainant or the administering authority; or
 - viii. influencing or attempting to influence another Individual to interfere with or manipulate the process.
- vii. Retaliation: An Individual shall not take an adverse action against any other Individual for making a good faith Report of possible Maltreatment or for participating in any process found in the policies of NICOMEKL ROWING CLUB. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of NICOMEKL ROWING CLUB. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good faith actions lawfully pursued in response to a Report of possible Maltreatment.
- viii. Aiding and abetting:
- a. any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by an Individual. Aiding and abetting also includes, without limitation, knowingly:
 - i. allowing any person who has been suspended or is otherwise ineligible, for any reason, to be associated with sport or to coach or instruct Individuals;
 - ii. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
 - iii. allowing any Individual to violate the terms of their suspension or any other sanctions imposed.
- ix. Failure by an adult Individual to Report actual or suspected Maltreatment of a Minor. This obligation is ongoing and is not satisfied by making an initial Report. Instead, this obligation

includes Reporting to the Independent Third Party, on a timely basis, all relevant information that the adult Individual is or becomes aware of and requires making a direct Report to the Independent Third Party. Any Report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date. Suspected Maltreatment of a Minor outside of the sport of rowing must be reported in accordance with the *BC Child Family and Community Service Act*.

- x. Failure to Report inappropriate conduct. Any Individual who suspects or becomes aware of another Individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to Report such inappropriate conduct to the Independent Third Party. Persons in Authority who become aware of another Individual's inappropriate conduct have a responsibility for Reporting the concern to the Independent Third Party.
 - xi. Intentionally filing a false allegation. An allegation is false if the events or conduct reported did not occur and the Individual making the Report knows that the events or conduct did not occur. An individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.
18. "*Minor*" – any Individual who is under the age of nineteen (19) years old. Adult Individuals are responsible for knowing the age of a Minor.
 19. "*Party/Parties*" – in the context of a complaint under the *Discipline and Complaints Policy*, the Complainant and Respondent; in the context of an appeal under the *Appeal Policy*, the Appellant, Respondent and Affected Party (or Parties).
 20. "*Person in Authority*" – Any Individual who holds a position of authority NICOMEKL ROWING CLUB, including, but not limited to, coaches, umpires, officials, managers, support personnel, chaperones, committee members, and Directors or Officers. In addition to the responsibilities described for Individuals in the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics*, a Person in Authority shall be responsible for knowing what constitutes Maltreatment.
 21. "*Power Imbalance*" - A Power Imbalance may exist where, based on the totality of the circumstances, an Individual has supervisory, evaluative, or other authority over another Individual. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport-specific health-care providers, sport science support staff, care or support persons, guides, or pilots. Maltreatment occurs when this power is misused. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the direct coach-Athlete relationship terminates until the Athlete reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
 22. "*Prohibited Substance or Method*" - A substance or method which is classified as prohibited by the World Anti-Doping Agency, the list of which is found at <https://www.wada-ama.org/en/content/what-is-prohibited>
 23. "*Reporting (or Report)*": The provision of information in writing by any person or an Individual to a relevant independent authority (the Independent Third Party or position charged with receiving a Report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent.

24. *“Respondent”* – the Party responding to a complaint or investigation. In the case of an appeal, the Respondent is the body or organization whose decision is being appealed, or the Individual who was the subject of a decision that is being appealed.
25. *“Sexual Harassment”* – A vexatious comment (or comments) or conduct against an Individual of a sexual nature directed at a person's sex, sexual orientation, gender identify or gender expression, where the comment or course of conduct is known or ought reasonably to be known to be unwelcome. This Includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual such that there is a Power Imbalance in the relationship. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- i. Sexist jokes;
 - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
 - iii. Offering a benefit in exchange for a sexual favour;
 - iv. Demanding hugs;
 - v. Bragging about sexual ability;
 - vi. Leering (persistent sexual staring);
 - vii. Sexual assault;
 - viii. Display of sexually offensive material;
 - ix. Distributing sexually explicit messages or attachments such as pictures or video files;
 - x. Sexually degrading words used to describe an Individual;
 - xi. Unwelcome inquiries into or comments about an Individual’s gender identity or physical appearance;
 - xii. Inquiries or comments about an Individual’s sex life;
 - xiii. Persistent, unwanted attention after a consensual relationship ends;
 - xiv. Persistent unwelcome sexual flirtations, advances, comments, or propositions; and
 - xv. Persistent unwanted contact.
26. *“Social Medium (Social Media)”* – A form of electronic communication including websites for social networking, microblogging or widespread dissemination of information such as blogs, YouTube, Facebook, Instagram, Tumblr, Flickr, Weibo, Snapchat, Tik-Tok, and Twitter. Social Media is the plural of Social Medium representing all the platforms broadly.
27. *“Vulnerable Individuals”* – Includes Children / Youth (minors) and Vulnerable Adults (people who, because of age, disability or personal circumstances, 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 Authority);
28. *“Vulnerable Sector Check (VSC)”* – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database
29. *“Workplace”* - Any place where Events, business or work-related activities are conducted. Workplaces include but are not limited to, the office or facilities of NICOMEKL ROWING CLUB, work-related social functions, work assignments outside offices, work-related travel, the training, and competition environment (wherever located), and work-related conferences or training sessions
30. *“Workplace Harassment”* – Vexatious comment(s) 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:
- i. Bullying;
 - ii. Workplace pranks, vandalism, bullying or hazing;
 - iii. Repeated offensive or intimidating phone calls, text messages or emails;

- iv. Inappropriate sexual touching, advances, suggestions or requests;
- v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- vi. Psychological abuse;
- vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings where invitation to the gathering would be expected to be universal;
- viii. Deliberately withholding information that would enable a person to do their job, perform or train;
- ix. Sabotaging someone else's work or performance;
- x. Gossiping or spreading malicious rumours;
- xi. Intimidating words or conduct (offensive jokes or innuendos); and
- xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.

31. "*Workplace Violence*" – the use, 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:

- Verbal or written threats to attack;
- Sending or leaving threatening notes, text messages or emails;
- Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- Wielding a weapon in a Workplace;
- Hitting, pinching or unwanted touching which is not accidental;
- Dangerous or threatening horseplay;
- Physical restraint or confinement;
- Blatant or intentional disregard for the safety or wellbeing of others;
- Blocking normal movement or physical interference, with or without the use of equipment;
- Sexual violence; and
- Any attempt to engage in the type of conduct outlined above.

NICOMEKL ROWING CLUB

ATHLETE PROTECTION POLICY

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
Scheduled review date	March 31, 2023
Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	Appendix A – Image Consent Form

Purpose

1. This Athlete Protection Policy describe how Persons in Authority shall maintain a safe sport environment for all Athletes.

Interactions between Persons in Authority and Athletes – the ‘Rule of Two’

2. NICOMEKL ROWING CLUB strongly recommends the ‘Rule of Two’ for all Persons in Authority who interact with Athletes, whether in person or remotely (i.e., in virtual settings). The Coaching Association of Canada describes the intention of the ‘Rule of Two’ as follows:

A coach must never be alone in a private setting, or out of sight, with a minor athlete. Two NCCP trained or certified coaches should always be present with an athlete, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. All one-on-one interactions between a coach and an athlete must take place within earshot and in view of a second coach except for medical emergencies. It is recommended that one of the coaches should also be of the same gender as the athlete, wherever possible. Should there be a circumstance where a second screened and NCCP trained or certified coach is not available, it is acceptable to substitute a screened volunteer, parent, or adult.

3. NICOMEKL ROWING CLUB recognizes that fully implementing the ‘Rule of Two’, as described above (and modified accordingly for Persons in Authority), in all circumstances, may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
 - i. The training and competition environments should be open to observation so that all interactions between Persons in Authority and Athletes are observable.
 - ii. Private or one-on-one situations must be avoided unless they are open and observable by another screened adult or Athlete.
 - iii. Persons in Authority shall not invite or have a Vulnerable Individual (or Vulnerable Individuals) in their home without the written permission and contemporaneous knowledge of the Vulnerable Individual's parent or guardian.
 - iv. A Vulnerable Individual must not be in any situation where they are alone with a Person in

Authority without another screened adult or Athlete present unless prior written permission is obtained from the Vulnerable Individual's parent or guardian

Practices and Events

4. As it relates to practices and/or competitions, the following shall be respected:
 - a) A Person in Authority should never be alone with a Vulnerable Individual prior to or following a competition or practice unless the Person in Authority is the Vulnerable Individual's parent or guardian.
 - b) If the Vulnerable Individual is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or screened adult arrives.
 - c) If a Vulnerable Individual would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Individual, should be present in order to avoid the Person in Authority being alone with a Vulnerable Individual
 - d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority
 - e) If there is a concern with observing the Rule of Two, Persons in Authority and Athletes should take additional steps to achieve transparency and accountability in their interactions.

Communications

5. Communications between Persons in Authority and Athletes shall respect the following:
 - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes
 - b) Persons in Authority may only send personal texts, direct messages on Social Media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone and must be copied to another adult when the Athlete is a Vulnerable Individual.
 - c) No personal texts between Vulnerable Individuals and Persons in Authority may be sent; however, if this is necessary as indicated above, it shall include one other adult person on the message (preferably the Vulnerable Person's parent(s)/guardian(s)).
 - d) Parents and guardians of a Vulnerable Individual may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communications
 - e) All communication between a Person in Authority and Athletes must be between the hours of 6:00am and 11:00pm unless extenuating circumstances justify otherwise (e.g., cancelling an early morning practice)
 - f) Communications promoting or normalizing alcohol or recreational drug (unless regarding its prohibition) is not permitted
 - g) No sexually explicit language or imagery or sexually oriented conversation may be communicated by any medium
 - h) Persons in Authority and Athletes are not permitted to offer or ask one another to keep a secret for them. This does not infringe upon their ability to maintain confidences regarding the Athlete's medical conditions, disability, personal circumstances, or other topics which the Athlete wishes to keep private in the context of an appropriate coach-Athlete relationship.

Virtual settings

6. The Rule of Two shall apply to all Minors in a virtual environment, to the same degree that it would apply to an in-person private meeting space. Specifically:
 - a) For Athletes under the age of 19 wherever possible, a parent/guardian should be present during any virtual session;
 - b) Two adult coaches should be present or one coach and one adult (parent, guardian, volunteer, Member Organization administrator). One-on-one virtual sessions are prohibited;
 - c) Coaches shall be informed by NICOMEKL ROWING CLUB of the expected standards of conduct during virtual sessions;
 - d) Parents/guardians of Minors shall be informed by NICOMEKL ROWING CLUB of the activities that will take place during the virtual session, as well as the process of the virtual session;
 - e) Parents/guardians of Minors shall provide consent to the Minor participating in the virtual session, if irregularly scheduled, or prior to the first session if the sessions will take place on a regular basis;
 - f) Communications during virtual sessions shall take place in an open and observable environment. Sessions must be initiated in appropriate locations (i.e., not in personal or inappropriate locations such as bedrooms); and
 - g) Parents/guardians should debrief with Minors on a weekly basis regarding virtual sessions.

Travel

7. Any travel involving Persons in Authority and Athletes shall respect the following:
 - a) Teams or groups of Athletes shall always have at least two Persons in Authority with them
 - b) For mixed gender teams or groups of Athletes, there will be one Person in Authority from each gender
 - c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
 - d) No Person in Authority may drive a vehicle with an Athlete alone unless the Person in Authority is the Athlete's parent or guardian
 - e) A Person in Authority may not share a room or be alone in a hotel room with an Athlete unless the Person in Authority is the Athlete's parent or guardian
 - f) Room or bed checks during overnight stays must be done by two Persons in Authority, or if impractical, a Person In Authority and a screened adult
 - g) For overnight travel when Athletes must share a hotel room, roommates should be age-appropriate and, for Minors, shall be within two years of age of one another and of the same gender identity

Locker Room / Changing Areas

8. The following shall apply to locker rooms, changing areas, and regatta weigh-in area(s):
 - a) Interactions (i.e., conversation) between Persons in Authority and Athletes should not occur in any room where there is a reasonable expectation of personal privacy such as a locker room, bathroom, regatta weigh-in area(s), restroom or changing area. A second adult should be present for any necessary interaction between a Person in Authority and an Athlete in any such room. The Rule of Two must be respected.
 - b) Notwithstanding that Persons in Authority should not be present in the locker room or changing area, they should still be available outside the locker room or changing area and be able to enter the room or area if required due to exigent circumstances.

Photography / Video

9. Any photograph or video involving Athletes shall respect the following:
- a) Photographs and video may only be taken in public view at regattas or similar events that are open to the public, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete.
 - b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
 - c) Examples of photos that shall be edited or deleted include:
 - i. Images with misplaced apparel or where undergarments are showing
 - ii. Suggestive or provocative poses
 - iii. Embarrassing images
 - d) If any photographs or videos will be used on any form of public media, an Image Consent Form must be completed before any images are taken and used

Physical Contact

10. It is recognized that some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. Any physical contact shall respect the following:
- a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that they are requesting to touch the Athlete and not requiring physical contact
 - b) Infrequent, non-intentional physical contact during a training session is permitted
 - c) Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying or celebrating after a performance), but this physical contact may only occur in an open and observable environment.

Enforcement

11. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to NICOMEKL ROWING CLUB's *Discipline and Complaints Policy*.

Privacy

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to NICOMEKL ROWING CLUB's Privacy Policy.

Appendix A – Image Consent Form

1. I hereby grant to NICOMEKL ROWING CLUB, Rowing BC and Rowing Canada Aviron (collectively the “Organizations”) on a worldwide basis, the permission to photograph and/or record the Participant’s image and/or voice on still or motion picture film and/or audio tape (collectively the “Images”), and to use the Images to promote the sport and/or the Organizations through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity; however, consent may be withdrawn by the Participant by the Participant notifying NICOMEKL ROWING CLUB of such withdrawal in writing.
2. I hereby fully release, discharge, and agree to save harmless the Organizations, for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriation of personality or invasion of privacy.
3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs, and assigns, I agree that I am signing this document voluntarily and to abide by the terms and conditions contained herein.

Signed at this _____ day of _____, 20__.

Print Name of Participant: _____

Signature of Participant: _____

Signature of Parent/Guardian (if Participant is younger than 18 years old):

NICOMEKL ROWING CLUB

CODE OF CONDUCT AND ETHICS

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
Scheduled review date	March 31, 2023
Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	N/A

A. Purpose

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and Events of NICOMEKL ROWING CLUB by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values and policies. NICOMEKL ROWING CLUB supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals can safely participate in its sport and are treated with respect and fairness.

Application of this Code

2. This Code applies to any Individual's conduct during the business, activities, and Events of NICOMEKL ROWING CLUB including, but not limited to, competitions, practices, evaluations (including time trials or any other form of testing), treatment or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings or social Events.
3. This Code also applies to Individuals' conduct outside of the business, activities, and Events of NICOMEKL ROWING CLUB when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of NICOMEKL ROWING CLUB. Such applicability will be determined by NICOMEKL ROWING CLUB at its sole discretion.
4. This Code applies to Individuals active in the sport of rowing or who have retired from the sport of rowing where any claim regarding a potential breach of this Code occurred when the Individual was active in the sport.
5. In addition, breaches of this Code may occur when the Individuals involved interacted due to their mutual involvement in the sport of rowing or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on one or more Individuals.
6. Any Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be removed from the competition or training area, and the Individual may be subject to further sanctions.

Responsibilities

7. Individuals have a responsibility to:
 - a) Maintain and enhance the dignity and self-esteem of other Individuals by:
 - i. Treating each other with the highest standards of respect and integrity;
 - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, umpires, officials, organizers, volunteers, employees, or other participants;
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
 - iv. Acting to correct or prevent practices that are unjustly discriminatory;
 - v. Consistently treating individuals fairly and reasonably; and
 - vi. Ensuring adherence to the rules of the sport, both to their letter and their spirit.
 - b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination, or any form of Maltreatment
 - c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
 - d) In the case of Minors, not consume alcohol, tobacco, or cannabis at any Event;
 - e) In the case of adults:
 - a. not consume illegal drugs in the Workplace or any circumstance associated with NICOMEKL ROWING CLUB;
 - b. not consume alcohol or recreational cannabis in the Workplace or in any situation associated with the Events of NICOMEKL ROWING CLUB, apart from Designated Events;
 - c. not consume alcohol or recreational cannabis during NICOMEKL ROWING CLUB programs, activities or competitions in situations where minors are present, excepting Designated Events; and
 - d. take reasonable steps to manage the responsible consumption of alcohol and recreational cannabis in adult-oriented social situations.
 - f) Respect the property of others and not wilfully cause damage
 - g) Promote sport in the most constructive and positive manner possible
 - h) When driving a vehicle or operating a coach boat or safety launch:
 - i. Not have their license suspended;
 - ii. Obey traffic laws at all times;
 - iii. Not be under the influence of alcohol, cannabis or illegal drugs or intoxicating substances;
 - iv. Have valid insurance; and
 - v. Refrain from using a mobile device or engaging in any activity that would constitute distracted driving.
 - i) Adhere to all federal, provincial, municipal and host country laws
 - j) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition or para-classification, and refrain from offering or receiving any bribe which is intended to manipulate the outcome of a competition
 - k) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of NICOMEKL ROWING CLUB as adopted and amended from time to time
 - l) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an Individual to the Independent Third Party, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or Prohibited Substance or Method
 - m) As a Person in Authority, not 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 the Person in Authority is aware or is made aware has a past

history of Athlete Maltreatment (except where the coach has satisfied any remediation required by the relevant authority for such offences), assigning guides and other support staff to a Vulnerable Individual when the guide or support staff has a reputation for Athlete Maltreatment or assigning such a guide or support staff to a para-Athlete in the absence of consultation with the para-Athlete.

Directors, Committee Members, and Staff

8. In addition to responsibilities of an Individual listed above, directors, committee members, and staff of NICOMEKL ROWING CLUB will have additional responsibilities to:
 - a) When performing their role as a director or committee member or staff member of NICOMEKL ROWING CLUB (as applicable), ensure that they respect their duty of loyalty to NICOMEKL ROWING CLUB, and refrain from engaging in any activity or behaviour that could constitute a conflict of interest
 - b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of Individuals' confidence in NICOMEKL ROWING CLUB
 - c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
 - d) Comply with the *Screening Policy*
 - e) Conduct themselves openly, professionally, lawfully and in good faith
 - f) Be independent and impartial and not be influenced by self-interest, external pressure, expectation of reward, or fear of criticism
 - g) Behave with decorum appropriate to both circumstance and position
 - h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
 - i) Respect the confidentiality appropriate to issues of a sensitive nature
 - j) Respect the decisions of the majority and resign if unable to do so
 - k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
 - l) Have knowledge and understanding of all relevant policies and procedures

Coaches

9. Coaches have many additional responsibilities to those of an Individual listed above. The coach-Athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the Athlete. Coaches must understand and respect the inherent Power Imbalance that exists in this relationship and must be extremely careful not to abuse it, either consciously or unintentionally. Coaches will:
 - a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes
 - b) 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
 - c) Avoid compromising the present and future health of Athletes. This can be done by communicating and cooperating with sport medicine professionals (where applicable) in the diagnosis, treatment, and management of Athletes' medical and psychological treatments
 - d) Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs

- e) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate
- f) Provide Athletes (and the parents/guardians of minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete
- g) Act in the best interest of the Athlete's development as a whole person
- h) Comply with the *Screening Policy*
- i) Under no circumstances provide, promote, normalize or condone the use of drugs (other than properly prescribed medications) or Prohibited Substances or Prohibited Methods and, in the case of Minors, alcohol, cannabis, and/or tobacco
- j) Respect Athletes competing for other Member Organizations, provinces, or countries and, in dealings with them, not discuss topics or take actions within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes
- k) Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority (i.e. where there is a Power Imbalance)
- l) 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
- m) Dress appropriately
- n) Use inoffensive language, and consider the audience being addressed (e.g., the age/maturity of the participants)

Athletes

10. In addition to the responsibilities of an Individual listed above, Athletes are responsible to:

- a) Adhere to their Athlete Agreement (if applicable)
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete
- c) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations (including time controls or any other form of testing)
- d) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
- e) Adhere to any rules and requirements regarding clothing and equipment
- f) Dress to represent the sport and themselves appropriately
- g) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers

Umpires

11. In addition to the responsibilities of an Individual listed above and those found in the RCA Rules of Racing, umpires are responsible to:

- a) Maintain and update their knowledge of the Rules of Racing and any rule changes

- b) Not publicly criticize any Individual
- c) Place the safety and welfare of competitors, and the fairness of the competition, above all else
- d) Strive to provide a fair sporting environment, and at no time engage in Maltreatment of any person on the field of play
- e) Work within the boundaries of their position's description while supporting the work of other umpires and follow the direction of Chief Umpires
- f) Act as an ambassador of the sport of rowing by agreeing to enforce and abide by national and provincial rules and regulations
- g) Take ownership of actions and decisions made while umpiring
- h) Respect the rights, dignity, and worth of all Individuals
- i) Act openly, impartially, professionally, lawfully, and in good faith
- j) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- k) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals
- l) Comply with the *Screening Policy*
- m) Honour all assignments unless unable to do so by virtue of illness or personal emergency, in which case they must communicate their situation to the individual(s) responsible for assignments as soon as possible, including, if already at a regatta, the Chief Umpire
- n) When writing reports, set out the actual facts to the best of their knowledge and recollection
- o) Dress in appropriate attire for umpiring
- p) Never umpire at a regatta located in BC that is not sanctioned by Rowing BC and Rowing Canada Aviron

Parents/Guardians and Spectators

12. In addition to the responsibilities of an Individual listed above, parents/guardians and spectators at Events will, at all times:
- a) Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
 - b) Condemn the use of violence in any form
 - c) Never ridicule a participant during a competition or practice
 - d) Respect the decisions and judgments of umpires and officials, and encourage Athletes to do the same
 - e) Support all efforts to eliminate verbal and physical abuse, coercion, intimidation, and sarcasm
 - f) Respect all competitors, coaches, umpires, officials, and other volunteers
 - g) Never harass competitors, coaches, umpires, officials, parents/guardians, or other spectators

Anti-Doping²

13. All Individuals shall:
- a) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently

² Any capitalized terms used in this Anti-Doping section shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.

in force³. More specifically, NICOMEKL ROWING CLUB adopts and adheres to the Canadian Anti-Doping Program. NICOMEKL ROWING CLUB will respect any sanction imposed on an Individual as a result of a breach of the Canadian Anti-Doping Program⁴ or any other applicable Anti-Doping Rules

- b) Refrain from associating with any person who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable anti-doping rules for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision
- c) Cooperate with any Anti-Doping Organization that is conducting an investigation into any anti-doping rule violation(s)
- d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control

14. All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under the jurisdiction of NICOMEKL ROWING CLUB.

Retaliation, Retribution or Reprisal

15. It is a breach of this Code of Conduct and Ethics for any Individual to engage in any act that threatens or seeks to intimidate another Individual with the intent of discouraging that Individual from filing, in good faith, a Report pursuant to any NICOMEKL ROWING CLUB policy. It is also a breach of this Code of Conduct and Ethics for an Individual to file a Report for the purpose of retaliation, retribution, or reprisal against any other Individual. Any Individual found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

Privacy

16. The collection, use and disclosure of any personal information pursuant to this Policy is subject to NICOMEKL ROWING CLUB's Privacy Policy.

³ Located at <https://www.wada-ama.org/en/content/what-is-prohibited>

⁴ Located at <https://cces.ca/sites/default/files/content/docs/pdf/2021-cces-policy-cadp-2021-final-draft-e.pdf>

NICOMEKL ROWING CLUB	
DISCIPLINE AND COMPLAINTS POLICY	

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
Scheduled review date	March 31, 2023
Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	N/A

A. Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, Bylaws, rules, and regulations of NICOMEKL ROWING CLUB and their Member Organizations. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

B. Application of this Policy

2. This Policy applies to all Individuals and any alleged breaches of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* or any policy within the NICOMEKL ROWING CLUB Safe Sport Policy Manual.
3. This Policy applies to matters that may arise during the business, activities, and Events of NICOMEKL ROWING CLUB including, but not limited to, competitions, on and off water training, evaluations (including time trials or any other form of testing), treatment or consultations (i.e., massage therapy), training camps, travel associated with NICOMEKL ROWING CLUB activities, and meetings.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and Events of NICOMEKL ROWING CLUB when such conduct adversely affects NICOMEKL ROWING CLUB's relationships (and the work and sport environment) or is detrimental to the image and reputation of NICOMEKL ROWING CLUB.
5. Without limiting the generality of the foregoing, this Policy applies to alleged breaches of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* by Individuals who have retired from the sport of rowing where any claim regarding a potential breach of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in the sport of rowing or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or Reports an incident that occurred at a time during which a different NICOMEKL ROWING CLUB policy was in force (i.e., Code of Conduct and Ethics, Appeal, Discipline and Complaints, Conflict of Interest, Commitment to Fair Play, Confidentiality, Trans Inclusion), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offense or breach of the policy has occurred, unless the panel hearing the matter determines that

the less strict policy is applicable to the circumstances of the case. However, for such cases, this *Discipline and Complaints Policy* will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Independent Third Party at their sole discretion and shall not be subject to appeal.

6. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of an interim suspension or sanction may be applied by NICOMEKL ROWING CLUB's President after which further discipline or sanctions may be applied according to this Policy. Any infractions occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or Event only.
7. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of NICOMEKL ROWING CLUB who is a Respondent to a Report may also be subject to consequences in accordance with the employee's employment agreement. Violations may result in a warning, reprimand, restrictions, suspensions, or other disciplinary actions up to and including termination of employment.
8. NICOMEKL ROWING CLUB will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

C. Minors

9. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian
10. Communication from the Independent Third Party, Case Manager, Complaint Resolution Officer, or discipline panel, as applicable, must be directed to the Minor's Parent/Guardian until such a time as a representative is identified.
11. Any Individual who Reports or brings a complaint involving known or suspected abuse, neglect, or Maltreatment of a Minor on behalf of the Minor must report this to local child welfare services, the applicable provincial social service ministries or departments, or local police.
12. A Minor is not required to attend an oral hearing themselves, if held.

D. Reporting a Complaint

13. All complaints must be Reported in writing by an Individual (or Individuals) to RCA's Independent Third Party within fourteen (14) days of the occurrence of the incident. This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within fourteen (14) days of the occurrence of the incident.
14. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain

confidential, the Independent Third Party may ask that NICOMEKL ROWING CLUB act as the Complainant as laid out below.

15. If the Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Independent Third Party may not reveal the identity of the Complainant in such circumstances unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.

E. Independent Third Party Responsibilities

16. Upon receipt of a Reported complaint from an Individual (or Individuals), the Independent Third Party shall determine:
 - a) whether the complaint falls within the jurisdiction of this Policy;
 - b) if it can be accepted pursuant to procedures for reporting a complaint above; and
 - c) whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.⁵

If the Reported complaint is not accepted by the Independent Third Party for any of the aforementioned reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is accepted by the Independent Third Party, the Independent Third Party shall proceed to make the determinations indicated below and notify the Parties accordingly that the Reported complaint has been accepted.

17. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect, or Maltreatment of a Minor, they shall report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the aforementioned obligation if the Individual making the complaint or filing the Report confirms in writing that they have already reported the matter to any such authorities.
18. If a Reported complaint has been accepted by the Independent Third Party, the Independent Third Party shall determine whether the Reported incident has occurred within the business, activities or Events of RCA, Rowing BC or NICOMEKL ROWING CLUB. If the incident has occurred outside of the business, activities or Events of any of these organizations, the Independent Third Party will determine which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident, as set out in Section 4 above. The Independent Third Party will also determine if the breach has had a serious and detrimental impact on the Individual(s), as set out in Section 5 above.
19. NICOMEKL ROWING CLUB will only handle Reported complaints when the alleged incident falls within their business, activities or Events, and if NICOMEKL ROWING CLUB is willing to handle the matter pursuant to its policies (or pursuant to this Policy, adopted by NICOMEKL ROWING CLUB). NICOMEKL ROWING CLUB may inform the Independent Third Party that it is unwilling and/or unable to handle a Reported complaint and the Independent Third Party will direct the complaint to be handled by Rowing BC. In these cases, Rowing BC will work with NICOMEKL ROWING CLUB to consider how best to address the costs associated with handling

⁵ The Sport Dispute Resolution Centre of Canada's Investigation Guidelines suggests that a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

the complaint. In exceptional circumstances, the Independent Third Party may direct a Reported complaint to be managed by Rowing BC if NICOMEKL ROWING CLUB is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity.

20. The Independent Third Party shall direct a Reported complaint to be managed by a NICOMEKL ROWING CLUB Complaint Resolution Officer, or one appointed by Rowing BC, if the Complainant alleges that any of the following incidents have occurred:

- i. Disrespectful conduct or behaviour
- ii. Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Individual, in which case the matter will fall under Section 21 below
- iii. Conduct contrary to the values of NICOMEKL ROWING CLUB
- iv. Non-compliance with NICOMEKL ROWING CLUB's policies, procedures, rules, or regulations
- v. Minor violations of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy*, or the Rules of Racing

21. The Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by Rowing BC if the Complainant alleges that any of the following incidents have occurred:

- i. Repeated incidents pursuant to Section 20
- ii. Abusive, racist, or sexist comments, conduct or behaviour
- iii. Any incident of hazing
- iv. Behaviour that constitutes abuse, Maltreatment, Harassment, Sexual Harassment, or Sexual Misconduct
- v. Major incidents of physical violence (e.g., fighting, attacking)
- vi. Pranks, jokes, or other activities that endanger the safety of others
- vii. Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
- viii. Conduct that intentionally damages NICOMEKL ROWING CLUB's image, credibility, or reputation
- ix. Consistent disregard for NICOMEKL ROWING CLUB's Bylaws, policies, rules, and regulations
- x. Major or repeated violations of the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy*, or the Rules of Racing
- xi. Intentionally damaging NICOMEKL ROWING CLUB's property or improperly handling the its funds
- xii. Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
- xiii. A conviction for any *Criminal Code* offense

22. Notwithstanding any provision in this Policy, NICOMEKL ROWING CLUB may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. In such cases, NICOMEKL ROWING CLUB will identify an individual to represent the organization.

F. Investigations

23. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a Reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:

- a) Only if the Reported incident falls within Section 21 above;
- b) In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy – Discrimination, Harassment and Maltreatment*;
- c) Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation or, where there are several allegations, which allegations, should be heard by a discipline panel pursuant to this Policy because they constitute a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable NICOMEKL ROWING CLUB policy (this process may also be used to determine whether allegations are frivolous, vexatious or made in bad faith); and
- d) For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

If the Independent Third Party considers that an independent investigation must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to this Policy; however, when an investigation is conducted and where it is necessary in the circumstances, interim measures may be imposed in accordance with Section 6 above.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to the procedures for cases handled by Discipline Panel and Case Manager below and shall inform the Parties and NICOMEKL ROWING CLUB.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted in accordance with the conditions indicated above, the matter shall proceed pursuant to the applicable procedure, either before a Complaints Resolution Officer or a Case Manager, set out below.

G. Complaint Handled by Complaints Resolution Officer

24. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer, NICOMEKL ROWING CLUB will appoint a Complaint Resolution Officer. The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation.
25. The Complaint Resolution Officer will ask the Complainant and the Respondent for either written or oral submissions regarding the Reported complaint or incident. Both Parties shall also have the right to submit to the Complaint Resolution Officer any relevant evidence including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos, or other recordings).
26. Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made.
27. The Complaints Resolution Officer will determine the timelines for providing the submissions and evidence so that the Parties have an opportunity to present their respective cases fairly and without one Party being taken by surprise. The Complainant will provide their submissions and evidence to the Respondent first, followed by the Respondent providing their submissions and evidence to the Complainant in response, with each Party being given adequate time to provide their respective materials.

28. Following receipt of the Parties' submissions, the Complaint Resolution Officer may convene the Parties to a meeting, either in person or by way of video or teleconference in order to ask the Parties questions and to allow the Parties to ask questions of one another.
29. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in Section 20 above have occurred and, if so, if one or more of the following sanctions should be applied:
- a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to NICOMEKL ROWING CLUB
 - d) Removal of certain privileges
 - e) Suspension from certain teams, Events, and/or activities
 - f) Suspension from certain activities for a designated period
 - g) Any other sanction considered appropriate for the offense
 - h) Education or training opportunities

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 20 above have occurred, they shall dismiss the Reported complaint.

30. The Complaint Resolution Officer will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Complaint Resolution Officer may render a short, written decision, either orally or in writing, followed by a written reasoned decision.
31. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the NICOMEKL ROWING CLUB records, as well as in Rowing BC and RCA's records. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Request for Reconsideration

32. If the Complaint Resolution Officer decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Complaint Resolution Officer by informing them in writing, within seven (7) days of receiving the decision, that they are not satisfied with the decision, with an explanation as to why that is the case.
33. If the Complaint Resolution Officer imposes a sanction, the Respondent may request, in writing, a reconsideration from the Complaint Resolution Officer by informing them, within seven (7) days of receiving the decision, that they are not satisfied with the decision. In their request for reconsideration, the Respondent must indicate:
- a) Why the sanction is inappropriate;
 - b) Any evidence to support the Respondent's position; and
 - c) What penalty or sanction (if any) would be appropriate.

34. Upon receiving a request for reconsideration, the Complaint Resolution Officer shall render a decision within seven (7) days explaining whether they have accepted the request for reconsideration and, if so, their new decision.
35. The Complaint Resolution Officer's new decision may be appealed in accordance with the *Appeal Policy*; however, no Party shall have a right to appeal unless they have exhausted their right to request a reconsideration.

H. Complaint Handled by Case Manager

36. If the Independent Third Party determines that the Reported complaint or incident should be handled by Rowing BC pursuant to Section 21 above, Rowing BC shall appoint a Case Manager to fulfil the responsibilities listed immediately below.
37. Following the Independent Third Party's determination that the Reported complaint or incident should be handled by Rowing BC pursuant to Section 21 above, the appointed Case Manager will have the responsibility to:
 - a) Propose the use of Rowing BC's *Dispute Resolution Policy* (if considered appropriate in the circumstances)
 - b) Appoint the discipline panel, if necessary
 - c) Coordinate all administrative aspects and set timelines
 - d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of Rowing BC or any other sport organization that had authority over the Respondent (as the Case Manager may be aware).
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

I. Procedures

38. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
39. If appropriate in the circumstances, the Case Manager will propose that the Parties use Rowing BC's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the Parties refuse to use Rowing BC's *Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single Arbitrator, to hear the Reported complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a discipline panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the discipline panel's members to serve as the Chair.
40. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.
41. 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 hearing will be governed by the procedures that the Case Manager and the discipline panel deem appropriate in the circumstances, provided that:

- a) The Parties have an opportunity to present their respective cases fairly and without one Party being taken by surprise.
 - b) The discipline panel determines procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible in order to ensure that costs to the Parties and Rowing BC are reasonable
 - c) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other live communication medium
 - d) 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, in advance of the hearing, including the Complainant's complaint.
 - e) The Complainant will provide their submissions and evidence to the Respondent first, followed by the Respondent providing their submissions and evidence to the Complainant in response, with each Party being given adequate time to provide their respective materials.
 - f) The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
 - g) The discipline panel may request that any other individual participate and give evidence at the hearing
 - h) If not a Party, NICOMEKL ROWING CLUB shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the discipline panel, NICOMEKL ROWING CLUB may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the panel to render its decision.
 - i) The discipline panel may allow as evidence at the hearing any oral evidence and document or item relevant to the subject matter of the Reported complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
 - j) Where a discipline panel composed of three members is appointed, the decision will be by a majority vote
42. 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.
43. The hearing may proceed even if a Party chooses not to participate in the hearing.
44. 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 complaint and will be bound by the decision.
45. In fulfilling its duties, the discipline panel may obtain independent advice.

J. Decision

46. After hearing and/or reviewing the matter, the discipline panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the discipline panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
47. Within fourteen (14) days of the hearing's conclusion, the discipline panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, RCA and Rowing BC, including NICOMEKL ROWING CLUB. 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 before the end of the fourteen (14) day period.

48. Subject to the confidentiality provisions below, the discipline panel's decision will be considered a matter of public record unless decided otherwise by the discipline panel. However, the Parties may request that the discipline panel redact all or part of the decision. This decision shall be at the discipline panel's sole discretion and may not be appealed.
49. If the discipline panel dismisses the Reported complaint, its decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Case Manager, RCA, and Rowing BC, including NICOMEKL ROWING CLUB, shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

K. Sanctions

50. 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 NICOMEKL ROWING CLUB
- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Payment of the cost of repairs for property damage
- g) Suspension of funding from the organization or from other sources
- h) Expulsion from NICOMEKL ROWING CLUB
- i) Any other sanction considered appropriate for the offense

When the discipline panel imposes a sanction, its order shall include, at a minimum, the following details:

- which Party is responsible for the costs of implementing any sanction;
- which organization is responsible for monitoring that the sanctioned Individual respects the terms of the sanction imposed against them;
- if applicable, any reinstatement conditions that the sanctioned Individual must satisfy and which organization is responsible for ensuring that the conditions have been satisfied; and
- any other guidance that will assist the Parties to implement the panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the panel regarding the order so that it can be implemented or monitored appropriately.

51. The following sanctions are presumed to be fair and appropriate for the corresponding Maltreatment listed below, although the Respondent may rebut these presumptions:

- a) Sexual Maltreatment involving a Minor shall carry a presumptive sanction of a lifetime suspension;
- b) Sexual Maltreatment, Physical Maltreatment with contact and Maltreatment related to Interference with Process shall carry a presumptive sanction of either a suspension or eligibility restrictions;
- c) While a Respondent has pending charges or dispositions in violation of criminal law, the presumptive sanction shall be a period of suspension.

52. When determining an appropriate sanction in cases of Maltreatment, the discipline panel may consider the following factors:

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
- 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 investigation and disciplinary process;
- f) Real or perceived impact of the incident on the Complainant, NICOMEKL ROWING CLUB or the rowing community;
- g) Mitigating circumstances specific to the Respondent being sanctioned (i.e., lack of appropriate knowledge or training regarding the requirements in NICOMEKL ROWING CLUB's policies, addiction, illness, disability);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions;
- j) Other mitigating or aggravating circumstances.

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.

- 53. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of RCA, Rowing BC or NICOMEKL ROWING CLUB or any other sport organization that had or has authority over the Respondent.
- 54. Unless the discipline panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding the availability or pursuit of an appeal. Failure to comply with a sanction as determined by the disciplinary panel will result in an automatic suspension from participation in the activities of RCA, Rowing BC and all Member Organizations until such time as compliance occurs.
- 55. Records of all decisions will be maintained by RCA and Rowing BC. NICOMEKL ROWING CLUB will submit all records to RCA and Rowing BC. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

L. Appeals

- 56. The decision of the discipline panel may be appealed in accordance with the Rowing BC *Appeal Policy*.

M. Suspension Pending a Hearing

- 57. NICOMEKL ROWING CLUB may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the discipline panel.

N. Criminal Convictions

58. An Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and may, if justified by the seriousness of the criminal conviction, result in a suspension from the sport of rowing at all levels in Canada.

O. Confidentiality

59. The discipline and complaints process is confidential and involves only NICOMEKL ROWING CLUB (President and relevant staff as determined by President), the Parties, the Case Manager, the Complaint Resolution Officer, the discipline panel, and any independent advisors to the discipline panel. Once initiated and until a decision is rendered, none of the Parties will disclose confidential information relating to the discipline or Reported complaint to any person not involved in the proceedings.

60. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party (Parties) in breach.

P. Timelines

61. If the circumstances of the Reported complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the discipline panel may direct that these timelines be revised, in its sole discretion.

Q. Records and Distribution of Decisions

62. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, local sport organizations, etc., may be advised by NICOMEKL ROWING CLUB of any decisions rendered in accordance with this Policy.

R. Privacy

63. The collection, use and disclosure of any personal information pursuant to this Policy is subject to NICOMEKL ROWING CLUB's Privacy Policy.

64. The Independent Third Party, NICOMEKL ROWING CLUB, or any of its delegates pursuant to this Policy (i.e., Complaints Resolution Officer, Case Manager, discipline panel), shall comply with NICOMEKL ROWING CLUB's Privacy Policy in the performance of their services under this Policy.

NICOMEKL ROWING CLUB

APPEAL POLICY

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
Scheduled review date	March 31, 2023
Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	N/A

B. Purpose

1. This *Appeal Policy* provides Individuals with a fair, affordable, and expedient appeal process.

Scope and Application of this Policy

2. This Policy applies to all Individuals.
3. Any Individual who is specifically affected by a decision taken by NICOMEKL ROWING CLUB, by its Board, by any Committee of the Board or by anybody or individual within NICOMEKL ROWING CLUB who has been delegated authority to make decisions in accordance with NICOMEKL ROWING CLUB's By-laws and governance policies (as applicable), shall have the right to appeal that decision provided that:
 - a) it is a decision that is subject to appeal pursuant to this Policy;
 - b) the conditions indicated in this Policy (as applicable) have been satisfied; and
 - c) that there are sufficient grounds for the appeal as described within this Policy.
4. This Policy **will apply** to decisions relating to:
 - a) eligibility
 - b) team selection decisions
 - c) conflict of interest
 - d) termination of membership
 - e) disciplinary decisions made pursuant to NICOMEKL ROWING CLUB's relevant and applicable policies
5. This Policy **will not apply** to the following decisions, relating to:
 - a) Matters of general application such as amendments to NICOMEKL ROWING CLUB's By-laws;
 - b) NICOMEKL ROWING CLUB's operational structure and committee appointments;
 - c) Issues of budgets and budget implementation;
 - d) Employment matters or matters of operational structure or staffing or volunteer leadership opportunities;
 - e) Except as otherwise provided for in this *Appeal Policy*, decisions made by organizations

- other than NICOMEKL ROWING CLUB, including Rowing BC, such as Member Organizations, RCA, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), U Sports, the International Olympic Committee (IOC), the International Paralympic Committee (IPC), World Rowing or the Fédération Internationale du Sport Universitaire (FISU) or any other governing body;
- f) Selection criteria, quotas, policies and procedures established by entities other than NICOMEKL ROWING CLUB;
 - g) Substance, content and establishment of team selection criteria;
 - h) The Athlete Assistance Program (AAP) policies and procedures established by Sport Canada (or the provincial/territorial equivalent);
 - i) Policy and procedures established by any other agency, association or organization external to NICOMEKL ROWING CLUB;
 - j) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport and World Rowing;
 - k) Protests and appeals made under the Rules of Racing;
 - l) Contractual matters between NICOMEKL ROWING CLUB and its staff for which another dispute resolution process exists under the provisions of the applicable contract; or
 - m) Settlements negotiated pursuant to Rowing BC's *Dispute Resolution Policy*.

Timing of Appeal

- 6. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit to NICOMEKL ROWING CLUB's President (or equivalent position) the following:
 - a) Notice of the intention to appeal
 - b) Their contact information
 - 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 the decision if a written document is not available
 - f) Grounds and detailed reasons for the appeal
 - g) All evidence that supports these grounds
 - h) Requested remedy or remedies
 - i) An administration fee of one hundred and fifty dollars (\$150), which will be refunded if the appeal is upheld
- 7. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period may only do so if exceptional circumstances prevented them from filing their appeal within the deadline indicated immediately above. Any such Individual must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Appeal Manager.

Grounds for Appeal

- 8. A decision cannot be appealed on its merits alone or because an Individual (or Individuals) do not like or agree with a decision. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include that the Respondent decision-maker:

- 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); or
 - d) Made a decision that was grossly unreasonable or grossly unfair.
9. The Appellant must demonstrate, on a balance of probabilities, that the Respondent failed to ensure procedural fairness as described immediately above and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

Submitting an Appeal

Complaint Resolution Officer Decision – NICOMEKL ROWING CLUB

10. A decision made by NICOMEKL ROWING CLUB's Complaint Resolution Officer following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed to Rowing BC in accordance with this *Appeal Policy*, applied and modified according to the circumstances.
11. Rowing BC shall appoint an Appeal Manager and shall follow the process outlined below, applied, and modified according to the circumstances.
12. Notwithstanding the aforementioned or any provision that says otherwise in this *Appeal Policy*, the Appeal Manager may only appoint a single member Appeal Panel and, unless Rowing BC agrees otherwise, any fees (for example, the mediator's fees) related to the use of Rowing BC's *Dispute Resolution Policy* shall be the responsibility of the Parties to the *Dispute Resolution* process and not NICOMEKL ROWING CLUB or Rowing BC.

Complaint Resolution Officer Decision – Rowing BC

13. If a matter is referred directly to Rowing BC's Complaint Resolution Officer, the officer's decision following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed before Rowing BC's Appeal Panel in accordance with the terms of this *Appeal Policy*.
14. Rowing BC shall appoint an Appeal Manager and shall follow the process outlined below, modified, and applied accordingly based on the circumstances.

Discipline Panel Decision – Rowing BC

15. A decision made by Rowing BC's Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed before Rowing BC's Appeal Panel in accordance with the terms of this *Appeal Policy*.
16. Rowing BC shall appoint an Appeal Manager and shall follow the process outlined below, modified, and applied accordingly based on the circumstances.
17. Any decision by Rowing BC's Appeal Panel in relation to an appeal filed in relation to a Rowing BC Complaint Resolution Officer or Discipline Panel decision shall be final. However, either original Party to the dispute may

appeal the Appeal Panel's decision to the Sport Dispute Resolution Centre of Canada (SDRCC) on a fee-for-service basis.

Other Decisions

18. Any other NICOMEKL ROWING CLUB decision relating to the matters indicated in Section 4 may be appealed in accordance with the process below. NICOMEKL ROWING CLUB decisions relating to the matters indicated in Sections 4(a)-(d) may be appealed in accordance with the process below, modified, and applied accordingly based on the circumstances. NICOMEKL ROWING CLUB decisions relating to the disciplinary decisions made pursuant to NICOMEKL ROWING CLUB's or Rowing BC's relevant and applicable policies may be heard as set out immediately above.
19. Rowing BC shall appoint an Appeal Manager and shall follow the process below, modified, and applied accordingly based on the circumstances.

Dispute Resolution

20. For appeals filed pursuant to Sections 13, 15 and 18, the Parties may first attempt to resolve the appeal through Rowing BC's *Dispute Resolution Policy* once the notice of the appeal, the fee, and the information required pursuant to this policy has been received.

Screening of Appeal

21. Should the appeal not be resolved by using the Rowing BC's *Dispute Resolution Policy*, Rowing BC will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the Parties) who has the following responsibilities:
 - a) To determine if the appeal falls under the scope of this Policy
 - b) To determine if the appeal was submitted in a timely manner
 - c) To decide whether there are sufficient grounds for the appeal
22. If the Appeal Manager denies the appeal 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.
23. If the Appeal Manager accepts an appeal because it falls under the scope of this Policy, there are sufficient grounds and it was submitted in a timely manner, the Appeal Manager will notify the Parties of their decision in writing and will follow the steps described hereunder.

Appointment of Appeal Panel

24. If an appeal is accepted, the Appeal Manager will appoint an appeal panel which shall consist of a single member to hear the appeal.
25. When appointing the appeal panel, the Appeal Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), and who do not have any direct relationship with any of the Parties. Although not a strict requirement, the Appeal Manager should attempt to appoint individuals to

the appeal panel who have a legal background and who understand the sport of rowing. When justified by the circumstances, the Appeal Manager may appoint individuals to the appeal panel who have specific areas of expertise that would assist in resolving the matter.

Determination of Affected Parties

26. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage NICOMEKL ROWING CLUB. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

27. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager, in collaboration with the appeal panel, shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
28. If a Party chooses not to participate in the hearing, the hearing may proceed in any event.
29. 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, a hearing based on documentary submissions alone, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the appeal panel deem appropriate in the circumstances, provided that:
- a) The Parties have an opportunity to present their respective cases fairly and without one Party being taken by surprise.
 - b) The hearing will be held in a timely manner within a timeline determined by the Appeal Manager
 - c) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
 - d) Copies of any written documents which the Parties wish to have the appeal panel consider will be provided to all Parties in advance of the hearing
 - e) The appealing Party will provide their written documents to the Respondent first, followed by the Respondent providing their written documents to the appealing Party in response, with each Party being given adequate time to provide their respective materials.
 - f) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - g) The appeal panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
 - h) The appeal 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
 - i) Any Affected Party shall be permitted to make submissions and file evidence before the appeal panel. The appeal panel's decision is binding on any Affected Party. The decision to uphold or reject the appeal will be by a majority vote of the appeal panel members, except in cases where the panel consists of a single member
30. In fulfilling its duties, the appeal panel may obtain independent advice.

Appeal Decision

31. The appeal panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the appeal panel will have no greater authority than that of the original decision-maker. The appeal panel may decide to:
- a) Reject the appeal and confirm the decision being appealed
 - b) Uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision
 - c) Uphold the appeal, in whole or in part, and vary the decision
 - d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, may be assessed against any Party. In assessing costs, the appeal panel will take into account the nature and amount of the costs, the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources
32. The appeal panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and NICOMEKL ROWING CLUB. In extraordinary circumstances, the appeal 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 a Party otherwise makes a request to the appeal panel and the panel orders that the decision, in whole or in part, remain confidential.
33. Subject to Section 17 above, the appeal panel's decision is final and binding on the Parties.

Timelines

34. 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 Appeal Manager and/or Panel may direct that these timelines be revised.

Confidentiality

35. The appeals process is confidential and involves only the Parties, the Appeal 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.
36. Any failure to respect the aforementioned confidentiality requirement may result in disciplinary action being taken against the Individual(s) in accordance with NICOMEKL ROWING CLUB's relevant and applicable policies.

Privacy

37. The collection, use and disclosure of any personal information pursuant to this Policy is subject to NICOMEKL ROWING CLUB's Privacy Policy.
38. NICOMEKL ROWING CLUB, Rowing BC or any of its delegates pursuant to this Policy (i.e., Appeal Manager, appeal panel) shall comply with NICOMEKL ROWING CLUB's Privacy Policy in the performance of their services under this Policy.

NICOMEKL ROWING CLUB

SOCIAL MEDIA POLICY

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
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Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	N/A

A. Preamble

1. NICOMEKL ROWING CLUB is aware that Individual interaction and communication occurs frequently on Social Media. NICOMEKL ROWING CLUB cautions Individuals that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *BC Universal Code of Conduct* and/or the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

B. Application of this Policy

2. This Policy applies to all Individuals and NICOMEKL ROWING CLUB.

C. Conduct and Behaviour

3. The following Social Media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:
 - a) Posting comments or material on a social medium that is intended to cause harm (or is reckless as to the risk of causing harm), disparaging, hateful, or misleading, and that is directed at an Individual, NICOMEKL ROWING CLUB, Rowing BC or RCA, Rowing BC, or at other individuals connected with NICOMEKL ROWING CLUB, Rowing BC or RCA
 - b) Posting a picture, altered picture, or video on a social medium that is intended to cause harm (or is reckless as to the risk of causing harm), disparaging, hateful, or misleading, and that is directed at an Individual, at NICOMEKL ROWING CLUB, Rowing BC or RCA, or at other individuals connected with NICOMEKL ROWING CLUB, Rowing BC or RCA
 - c) Creating or contributing to a Social Medium vehicle, such as a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum, designed to cause harm or be hateful or misleading to NICOMEKL ROWING CLUB, Rowing BC or RCA, or their stakeholders, or their reputation
 - d) Inappropriate personal or sexual relationships over a Social Medium between Individuals who have a Power Imbalance in their interactions, such as between Athletes and coaches, committee members and staff, umpires and Athletes, etc.

e) Any instance of cyber-bullying or cyber-harassment. Examples of cyber-bullying and cyber-harassment can include, but are not limited to, the following conduct on any Social Medium, via text-message, or via email:

1. regular insults;
2. negative comments;
3. vexatious or unwelcome behaviour;
4. mean-spirited pranks or jokes;
5. threats;
6. posing as another person;
7. spreading rumours or lies; or
8. other harmful behaviour.

4. For clarity, the above definition is not intended to stifle or restrict commentary about Membership Organizations, or organizations affiliated with NICOMEKL ROWING CLUB, that is made in good faith with a view to improving the operation and function of that organization.

5. All conduct and behaviour occurring on Social Media may be Reported pursuant to the *Discipline and Complaints Policy*.

Individuals' Responsibilities

6. Individuals acknowledge that their Social Media activity may be viewable and viewed by anyone, including NICOMEKL ROWING CLUB or Individuals.

7. If NICOMEKL ROWING CLUB unofficially engages with an Individual in Social Media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask NICOMEKL ROWING CLUB to cease this engagement.

8. When using Social Media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with NICOMEKL ROWING CLUB.

9. Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the *Discipline and Complaints Policy*, but the timeliness of the removal may be considered by any assessing officer or panel.

10. An Individual who believes that another Individual's Social Media activity is inappropriate or may violate the policies and procedures of NICOMEKL ROWING CLUB should Report the matter in the manner outlined by the *Discipline and Complaints Policy*.

Privacy

11. The collection, use and disclosure of any personal information pursuant to this Policy is subject NICOMEKL ROWING CLUB' Privacy Policy.

NICOMEKL ROWING CLUB

SCREENING POLICY

Effective date	February 14, 2022
Archived date	N/A
Date last reviewed	March 7, 2022
Scheduled review date	March 31, 2023
Replaces and/or amends	V1 February 14, 2022
Approved by and date	Executive, February 13, 2022
Appendix(-ces) to this Policy	Appendix A – Screening Requirements Matrix

Screening will be conducted in accordance with RCA's Screening Policy, as amended from time to time.

Appendix A – Screening Requirements Matrix

Level	Description	Requirements	Examples
Level 1	Individuals who have frequent or unsupervised access to Vulnerable Individuals Individual that holds a decision-making position, involved in high-risk assignments, occupies position of trust and/or authority, has a supervisory role, directs others, or involved with finances.	<ul style="list-style-type: none"> - Complete an Application Form and interview process - Complete a Screening Disclosure Form - Complete and provide a PIC with VSC - Provide two references related to the position - Demonstrate understanding through training, orientation, and monitoring of safe sport policies - Provide a driver's abstract, if requested 	Coaches that could be alone with athletes. Full-time coaches, coaches that travel with athletes. Organizational staff, Case Managers, Board Members
Level 2	Individuals with direct athlete contact, individuals involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Individuals	<ul style="list-style-type: none"> - Complete an Application Form and interview process - Complete a Screening Disclosure Form - Complete and provide a PIC with VSC - Demonstrate understanding through training, orientation, and monitoring on safe sport policies - Provide a driver's abstract, if requested and relevant to the position 	Coaches, training staff, Athlete support personnel, non-coach employees or volunteers such as Umpires.
Level 3	Individuals with no direct contact with athletes, involved in low-risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Individuals	<ul style="list-style-type: none"> - Complete an Application Form - Complete a Screening Disclosure Form - Demonstrate understanding through training, orientation and monitoring of expectations related to safe sport policies. 	Certain staff and certain volunteers such as Youth or adult volunteers who are helping out on a non-regular or informal basis Event organizing committee members