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## CHAPTER 7 – Discrimination, Harassment & Maltreatment

### 24. DISCRIMINATION, HARASSMENT AND MALTREATMENT POLICY

#### 24.1 Definitions

The following definitions shall apply in the context of the Discrimination, Harassment and Maltreatment Policy:

- a) **“Activity or Event”** means day to day CAS, BCAS or Affiliated Organization’s events, activities including conferences, meetings, workshops, teams’ meetings, exhibitions, competitions, trials or selection events, training camps and any other events, activities sanctioned or organized by the Organizations.
- b) **“Affiliated Organization”** means any recreational or competitive club or league that delivers artistic swimming programs and has fulfilled the requirements of registration as required by CAS or BC Artistic Swimming and has paid any associated registration fees to CAS and/or BCAS. May also be referred to as Member Clubs.
- c) **“Athlete”** means any adult or Minor participating in the sport of artistic swimming, for recreational enjoyment or competitive purposes, who is registered with CAS, BCAS, and an Affiliated Organization.
- d) **“Club”** means an artistic swimming club affiliated with CAS or BCAS identified also as an Affiliated Organization.
- e) **“Coach”** means an individual certified by the Coaching Association of Canada (“CAC”) and registered with CAS or BCAS as an artistic swimming coach.
- f) **“Complainant”** means an Individual, a witness or observer who files a Complaint or reports and Incident or suspicions of conduct of Discrimination, Harassment or Maltreatment.
- g) **“Complaint”** means a complaint filed with the CAS Independent Complaint Assessor, the BCAS Complaint triage officer or provincial Sport Integrity Unit in accordance with the applicable Discipline and Complaint Policy and Procedure.
- h) **“Conduct Policy”** means the Organizations’ Conduct Policy and any other code of conduct provisions embodied in agreements with the Organization.
- i) **“Discrimination”** means unlawful discrimination including but is not limited to, discrimination on the basis of race, colour, national place of origin, ancestry, sex (including pregnancy), religious beliefs, age, physical or mental disability, sexual orientation, gender identity or expression, family or marital status, or any other ground or characteristic protected under applicable provincial human rights legislations.
- j) **“Employee”** means a person having an employment or contractual relationship with CAS, BCAS or Affiliated Organizations.
- k) **“Grooming”** means deliberate conduct by an Individual to sexualize a relationship with a Minor that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the Individual will gain the trust of the Minor and protective adults and peers around the Minor often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the Minor in order to abuse or exploit the Minor. Grooming can occur whether or not harm is intended or results from the behaviour.
- l) **“Harassment”** means an unwelcomed comment or conduct, directed toward an Individual or group of Individuals, which is aggressive, insulting, intimidating, humiliating, malicious, degrading, or offensive. Types of behaviors which constitute Harassment include, but are not limited to:
  - i. written or verbal abuse or threats including swearing

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- ii. intimidating or bullying conduct or gestures
  - iii. the display of visual material that is offensive or which one ought to know is offensive derogatory material such as pornography, racist or other offensive material
  - iv. unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation
  - v. leering or other suggestive or obscene gestures
  - vi. condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions or sport environment
  - vii. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
  - viii. unwanted and unwelcome physical contact including touching, petting, pinching, or kissing
  - ix. unwelcome sexual flirtations, advances, requests for sexual favors or invitations whether indirect or explicit
  - x. physical or sexual assault
  - xi. any sexual activity with a Minor
  - xii. vandalism of personal property
  - xiii. Grooming as defined in this Policy
  - xiv. abuse of authority which undermines performance or threatens an individual's career
  - xv. racial, religious, or ethnic slurs
  - xvi. any other unwelcomed behaviours that constitute Bullying or Harassment as determined by the Independent Complaint Assessor (as defined in the CAS Discipline and Complaints Policy and Procedure) at his or her discretion.
- m) **"Independent Complaint Assessor or ICA"** means the independent third party contracted by CAS to manage Complaints and /or Reported Incidents under the CAS Discipline and Complaint Policy and Procedure.
  - n) **"Individuals"** means any individual that has fulfilled the requirements of registration as required by CAS or BCAS as well as all individuals engaged on a volunteer or contractual basis in a CAS, BCAS or Affiliated Organization's Activity or Event. Individual includes but is not limited to Registrants, Athletes, Coaches, Employees (subject their applicable HR policy) Officials, volunteers, person in leadership, directors, parents, spectators, team managers, team captains, Support Personnel, contractors and suppliers, as applicable.
  - o) **"Investigation"** means an investigation conducted either by the Independent Complaint Assessor, BCAS Case Manager, provincial complaint triage officer, provincial Sport Integrity Unit, or an external investigator appointed by the ICA or the BCAS Case Manager.
  - p) **"Major Infractions"** means infractions described in the Organizations' Policies. Major Infractions are behaviors more severe than Minor infractions that may result into more harm and aggravating consequences. Major Infractions include major breaches of the Organizations' Policies.
  - q) **"Maltreatment"** means volitional acts that may be physical or psychological resulting in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in this Policy.
  - r) **"Member Club"** refers to an Affiliated Organization.
  - s) **"Minor"** means a person in British Columbia under the age of 19 years or, where applicable, a person who is under the age of majority and meets the definition of a child for the purposes of protection in the province or territory.
  - t) **"Minor Infractions"** means infractions described in the Organizations' Policies and constitutes breaches that either cause minor or no aggravating consequences or harm as determined by the

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Independent Complaint Assessor, BCAS Case Manager, provincial complaint triage officer, provincial Sport Integrity Unit, or an external investigator appointed by the ICA or the BCAS Case Manager upon receipt of a Complaint of Reported Incident.

- u) “**Officials**” means all judges including practice judges, referees and scorers recognized by FINA, CAS or BCAS.
- v) “**Provincial Territorial Sports Organization or PTSO**” means the CAS recognized provincial and territorial sport organization responsible for artistic swimming in its geographic territory.
- w) “**BCAS Complaint triage officer, Case Manager**” means an independent third party contracted by BCAS to manage Complaints and /or Reported Incidents under the BCAS Discipline and Complaint Policy and Procedure.
- x) “**Registrant**” means any Affiliated Organization or Individual that has fulfilled the registration requirements in CAS or PTSO’s By-Laws and has paid any associated registration fees to CAS or a PTSO.
- y) “**Reported Incident**” means an incident reported with the CAS ICA or the PTSO’s Complaint triage officer in accordance with their applicable Discipline and Complaint Policy and Procedure.
- z) “**Respondent**” means an Individual who is alleged to have engaged in Discrimination, Harassment or Maltreatment and thereby to have violated the UCCMS and the Organizations’ Discrimination, Harassment or Maltreatment Policies.
- aa) “**Sport Integrity Unit**” means an independent third-party organization in British Columbia that managed Complaints and/or Reported Incidents within the provincial jurisdiction.
- bb) “**Sport Partner**” means a sport organization that CAS, a PTSO or Affiliated Organization works with or partners with to deliver its Events and Activities.
- cc) “**Support Personnel**” means any person other than a Coach supporting the development of an Athlete at all LTAD stages including fitness trainer, sport science specialists, health care practitioners and specialists affiliated with or recognized by CAS, BCAS, an Affiliated Organization or a Sport Partner.
- dd) “**Volunteer**” means a person volunteering for CAS, BCAS or an Affiliated Organization including fulfilling the duties and responsibilities of an employee or contractor.

#### 24.2 **Organizations’ Commitment to Safe and Welcoming Sport**

The Organizations aim to provide a working and sporting environment where the dignity of the Individual is respected, free from any form of Discrimination, Harassment, and Maltreatment including sexual Harassment and have adopted a Conduct Policy that reflects that commitment.

#### 24.3 **The Organizations:**

- a) recognize that every Organization’s Athletes, Employee, Volunteer, and Individuals are entitled to a climate free of Discrimination, Harassment, and Maltreatment.
- b) recognize that fear of Discrimination, Harassment, and Maltreatment, including but not limited to sexual, verbal, physical, cyber-Harassment, abuse, bullying and unlawful Discrimination can compromise the integrity of the victim and sporting relationships and endanger personal well-being and participation at all levels.
- c) will make every reasonable effort to ensure that no Athlete, Employee, Volunteer, and Individual is subjected to Discrimination, Harassment, and Maltreatment.
- d) will take such disciplinary action as they deem appropriate against any person or Individual under their direction or leadership that is bound by this Policy and who subjects any Organizations’ Employee, Volunteer, or Individual to any form of Discrimination, Harassment, and Maltreatment.

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#### 24.4 **Application**

24.4.1 This Policy applies to all Employees, Volunteers, and Individuals of the Organization, and any other person or Individual involved with the Organization's Events and Activities. It applies to Discrimination, Harassment and Maltreatment which may occur during all Organization's Events and Activities regardless of location.

24.4.2 Situations of Discrimination, Harassment and Maltreatment occurring at the CAS, BCAS, or Affiliated organization's level shall be dealt with in accordance with the applicable policy. In absence of an organization-specific Discrimination, Harassment and Maltreatment Policy, the CAS Discrimination, Harassment and Maltreatment Policy will apply by default and CAS may decide, at its own discretion, to manage the issue in accordance with the CAS Discipline and Complaint Policy and Procedure.

#### 24.5 **Background and Context**

24.5.1 All National Sport Organizations ("NSO") funded by Sport Canada committed to the goal of Safe Sport have agreed that Maltreatment has no place in Canadian sport and, when present, must be sanctioned appropriately. The [Universal Code of Conduct to Prevent and Address Maltreatment in Sport](#) ("UCCMS") adopted by all NSOs comprises definitions, principles, and parameters to prevent and address Maltreatment in sport and ensure a safe and welcoming sport system. CAS, as the National Sport Organization for the sport of artistic swimming recognized by Sport Canada, its Provincial and Territorial Sport Organizations ("PTSO") and Affiliated Organizations (hereinafter identified collectively as the "Organizations") hereby accept and endorse the definitions and principles of the UCCMS. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders and the Organizations.

24.5.2 In addition to committing to the UCCMS, the Organizations shall abide by and respect the FINA Harassment and Abuse rules ("FINA HA Rules) which apply to harassment and abuse situations and incidents occurring during FINA sanctioned events or, as defined in the FINA HA Rules, in Covered Events (a FINA World Championships, FINA Competition, Competition of a Major Event Organisation or any FINA-sanctioned or organized meeting (i.e. FINA Convention, FINA Congress, FINA Development activities, etc.)). The Organizations are responsible to understand and ensure compliance with the FINA HA Rules when applicable. For clarify, the FINA HA Rules will not apply outside of the Covered Events (as defined above) and, as such, situations and incidents occurring at non-Covered Events such as at CAS, BCAS or Affiliated Organizations' Events and Activities will be governed by this Policy.

In addition, the Organization adopts and accepts all the language contained in the [BC Universal Code of Conduct](#). An individual who violates the BC UCC may be subject to sanctions pursuant to the Discipline and Complaints Policy.

24.5.4 The Organization agree and is committed to ensure that their Events and Activities shall be free of any form of Discrimination, Harassment or Maltreatment.

#### 24.6 **Common Understandings**

24.6.1 The Organizations agree, accept, and endorse the following common understandings:  
a) All Individuals in sport can expect to play, practice, and compete, work, and interact in an

- environment free from Discrimination, Harassment and Maltreatment.
- b) Addressing the causes and consequences of Discrimination, Harassment and Maltreatment is a collective responsibility and requires the deliberate efforts of all Individuals, sport stakeholders, sport club administrators and Organization leaders.
  - c) Individuals in positions of trust and authority have the general responsibility to protect the health and well-being of all other Individuals.
  - d) Adult Individuals have a specific ethical and statutory duty and the additional responsibility to respond to incidents of Harassment or Maltreatment involving Minors and other Vulnerable individuals.
  - e) All Individuals recognize that Discrimination, Harassment and Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, religion, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of Discrimination, Harassment and Maltreatment.
  - f) All Individuals recognize that individuals who have experienced Discrimination, Harassment and Maltreatment may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
  - g) All adults working with Minors have a duty to prevent or mitigate opportunities for misconduct.
  - h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, Individuals in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

#### **24.7 Confidentiality**

24.7.1 The Organizations recognize that it can be extremely difficult to come forward with a Complaint of Discrimination, Harassment and Maltreatment and that it can also be devastating to be wrongly accused of such misconducts. The Organizations recognize the interests of both the Complainant and the Respondent in keeping the matter confidential.

24.7.2 The Organizations will not disclose the existence of a Complaint or situation or Discrimination, Harassment and Maltreatment, the name of the discriminated or harassed person or Individual or the alleged Respondent or the circumstances related to the situation to any person except where disclosure is necessary for the purpose of investigating and /or taking disciplinary action or as required by law.

#### **24.8 Complaint Procedure**

24.8.1 A person or Individual who experiences Discrimination, Harassment and Maltreatment is encouraged, when appropriate, to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this Policy.

24.8.2 If confronting the harasser is not possible, or if after confronting the harasser the Discrimination, Harassment and Maltreatment continues, the Complainant may request a confidential meeting with the CAS Independent Complaint Assessor, BCAS Case Manager, or a representative of the Sport Integrity Unit as applicable, for support and guidance.

24.8.3 An Individual who believes that he or she has been the victim or witness of a Discrimination,

Harassment and Maltreatment misconduct has the right

- a) To contact, in full confidence, the ICA, BCAS Case Manager, or Sport Integrity Unit as applicable;
- b) To file a Complaint or Reported Incident under the Organization's Discipline and Complaint Policy and Procedure, without fear of embarrassment or retaliation; and
- c) To contact the appropriate human rights commission, child protection agency or law enforcement authority directly, if deemed necessary or required by law.

24.8.4 A Reported Incident or Complaint of Discrimination, Harassment or Maltreatment will be managed in accordance with the Organization's Discipline and Complaint Policy and Procedure and will be considered as a Major infraction as defined in the Organization's Discipline and Complaint Policy and Procedure unless the ICA, BCAS Case Manager, or Sport Integrity Unit, as applicable, decides otherwise.

**24.9 Policy In Concert with Other Policies and Agreements**

24.9.1 This Policy shall be read and interpreted with other Organizations' Policies such as but not limited to, the Coach Registration and Certification Policy, the Conduct Policy, the Discipline and Complaint Policy and Procedure and the Equity, Diversity and Inclusion Policy.

24.9.2 This Policy shall be integral part of all Organizations' agreements and be complied with by all Individuals and parties that are signatories to such agreements.