



CONDUCT POLICY

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1. ALIGNMENT

- 1.1. This Conduct Policy is based on Canada Artistic Swimming's *Conduct Policy*. BC Artistic Swimming aims to align its own *Conduct Policy* with the national organization's *Conduct Policy* so that all participants can strive to similar high standards for conduct.
- 1.2. Any variations between this *Conduct Policy* and Canada Artistic Swimming's *Conduct Policy* have been made intentionally by BC Artistic Swimming in order to address issues specific to BC Artistic Swimming. In such cases as the Canada Artistic Swimming version has been updated with additional information or details not included herein, BC Artistic Swimming will defer to the updated version of the CAS Conduct Policy as required and appropriate.

2. DEFINITIONS

- 2.1. The following terms have these meanings in this Policy:
 - a) **"CAS"** refer to Canada Artistic Swimming;
 - b) **"Club"** means an organization that is responsible for the management and delivery of artistic swimming and is a registered member of BC Artistic Swimming;
 - c) **"Coach"** means any person who coaches figures or routines on a regular basis;
 - d) **"Confidential Information"** means information known to the Individual by virtue of his or her connection to BC Artistic Swimming, whether or not marked "confidential";
 - e) **"Family Member"** includes a spouse, partner, natural or adoptive parent, grandparent, child or step-child, sibling, aunt, uncle, nephew or niece, the parents or close relatives of a spouse or partner, people who are in an intimate relationship and people who permanently reside together or are financially dependent on each other;
 - f) **"Hazing"** means any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking athlete by a more senior teammate, which does not contribute to either athlete's positive development, but is required to be accepted as part of a team, regardless of the junior-ranking athlete's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate based on class, number of years on the team, or athletic ability.
 - g) **"Inappropriate behaviour"** refer to behaviours that are inappropriate but are of such a nature that it is believed they can be addressed and corrected through additional training, supervision, and monitoring such as telling inappropriate jokes, confiding in an athlete with personal stories, or having unauthorized contact with an athlete outside of artistic swimming-related duties;
 - h) **"Including"** means including but not limited to;
 - i) **"Individual"** means all categories of membership as defined in BC Artistic Swimming's Bylaws as well as all individuals employed by or engaged in activities with BC Artistic Swimming including, but not limited to, athletes, coaches, conveners, officials, volunteers, managers, administrators, committee members, Directors and Officers of BC Artistic Swimming, spectators at events, and parents/guardians of athletes
 - j) **"Interested Individual"** means an Individual with a conflict of interest;

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- k) **“Member”** means any club or affiliated group and/or its registrants or an individual registered with BC Artistic Swimming;
 - l) **“Minor athletes”** refers to a person under the age of 18 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;
 - m) **“Officials”** means judges including practice judges, referees and scorers;
 - n) **“Parents”** refers to parents or guardians of a person registered with BCAS or an Affiliated Organization;
 - o) **“Participant”** means all individuals engaged in any paid or volunteer capacity with BC Artistic Swimming or otherwise under the jurisdiction of BC Artistic Swimming;
 - p) **“Person in Leadership”** means the Executive Director or any board or executive member of BC Artistic Swimming, or and Affiliated Organization;
 - q) **“President”** refers to the President of BC Artistic Swimming;
 - r) **“Registrant”** means any club or individual that has fulfilled the requirements of registration as required by BC Artistic Swimming and/or CAS and has paid any associated registration fees to BC Artistic Swimming and/or CAS.
 - s) **“Related Party”** includes a Family Member, Coach or Team Manager or a private corporation controlled by any of these individuals;
 - t) **“Significant contractor”** refers to contractors who are committed to 10 days or more per month for a period of more than 3-months;
 - u) **“BC Artistic Swimming Activity”** means all business and activities over which BC Artistic Swimming has jurisdiction;
 - v) **“Team Manager”** means a manager responsible for handling the business matters of the team or club, including managing the budget, organizing promotional events, hiring coaches and negotiating contracts, and all persons with a direct or indirect financial interest in the team or club;
 - w) **“Unlawful Behaviour”** refers behaviours that are criminal or that breach child welfare or related legislation, and include such things as child abuse, sexual assault, sexual interference, invitation to sexual touching, sexual exploitation, procurement, luring, child pornography offenses, corrupting morals, indecent acts, voyeurism, etc.;
 - x) **“Vulnerable person”** refer to persons who, because of age, disability, or other circumstances, whether temporary or permanent, 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 a position of authority or trust relative to them including children, youth and people with physical, developmental, or other disabilities.
 - y) **“Workplace”** - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, BC Artistic Swimming’s office, work-related social functions, work assignments outside BC Artistic Swimming’s offices, work-related travel, and work-related conferences or training sessions

3. APPLICATION

3.1. This Policy applies to all Individuals. Individuals include:

- a) All BC Artistic Swimming members or registrants;
- b) BC Artistic Swimming directors, officers, committee members, and volunteers;
- c) BC Artistic Swimming employees and anyone under contract with BC Artistic Swimming, and anyone attending the BC Artistic Swimming office or other BC Artistic Swimming workplaces for work-related purposes;
- d) All athletes eligible for selection to, or forming part of, any team participating in competitions or events over which BC Artistic Swimming has jurisdiction; and
- e) All persons working with those teams or athletes, including coaches, medical and paramedical personnel and other support persons;

3.2. This Policy applies at all times, wherever the BC Artistic Swimming Activity takes place, which includes the BC Artistic Swimming offices as well as external locations in BC, Canada, and abroad and includes all activities over which BC Artistic Swimming has jurisdiction. BC Artistic Swimming Activity includes:

- a) Meetings of the BC Artistic Swimming board of directors and all BC Artistic Swimming committee or coach meetings, whether in person, by phone or by virtual means;
- b) BC Artistic Swimming Annual Meetings, Special Meetings or BC Artistic Swimming hosted conferences or clinics;
- c) Employment at BCAS or an Affiliated Organization, and all meetings and social events hosted or organized by the employer;
- d) Participation in national or international competitions including related training and organized group travel;
- e) All BC Artistic Swimming hosted or sanctioned meets; and
- f) All BC Artistic Swimming hosted selection and assessment processes and regular training or practice time, whether inside or outside BC.

3.3. This Code also applies to Individuals' conduct outside of BC Artistic Swimming's business, activities, and events when such conduct adversely affects relationships within BC Artistic Swimming (and its work and sport environment) and is detrimental to the image and reputation of BC Artistic Swimming. Such applicability will be determined by BC Artistic Swimming at its sole discretion.

4. VIOLATIONS OF THIS POLICY

4.1. An Individual who violates this Code may be subject to sanctions pursuant to BC Artistic Swimming's *Discipline and Complaints Policy*. In addition to facing possible sanction pursuant to BC Artistic Swimming's *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, the official may

delay the competition until the Individual complies with the ejection, and the Individual may be subject to any additional discipline associated with the particular competition.

5. POLICY AND PURPOSE

5.1. In all matters involving or impacting BC Artistic Swimming, and where they are seen to be representing BC Artistic Swimming, Individuals are expected to conduct themselves, with integrity and in a manner that is consistent with BC Artistic Swimming's values and the highest standards of behaviour upon which BC Artistic Swimming's image and reputation rests.

5.2. Individuals will:

- a) Acquaint themselves with BC Artistic Swimming's mission, vision, values and policies and behave at all times in a manner consistent with them;
- b) Acquaint themselves with the True Sport Principles and Responsible Coaching Movement and how they apply to creating a positive, safe and welcoming sport environment, and to behave accordingly;
- c) Not participate in, condone, or engage in dishonesty, fraud, deceit, misrepresentation or illegal activities;
- d) Adhere to all federal, provincial, municipal and host country laws;
- e) Act, when appropriate, to correct or prevent practices that are unjust, discriminatory or otherwise in contravention of this Policy;
- f) Cooperate with internal or external investigations of concerns of possible misconduct by providing honest, accurate, complete and timely information;
- g) Act in a responsible manner in relation to the media and with respect to the content of personal websites and information posted on social media sites including, but not limited to, Facebook, Twitter, Instagram, Snapchat and YouTube;
- h) Provide a healthy and safe work and sport environment for all Individuals;
- i) Adhere to BC Artistic Swimming's policies for screening;
- j) Complete the Respect in Sport Training Program if required by BC Artistic Swimming; and
- k) Comply with BC Artistic Swimming and CAS's policies and rules.

5.3. The purpose of this *Conduct Policy* is to foster a positive, safe and respectful work and sport environment where:

- a) BC Artistic Swimming values and expected standards of behaviour are understood, communicated and lived by all Individuals;
- b) There is adherence to all applicable laws, regardless of where the BC Artistic Swimming Activity takes place; and
- c) The conduct of Individuals is ethical, transparent and fosters confidence in the integrity of BC Artistic Swimming.

5.4. The purpose of this Policy is also:

- a) To define those actions and behaviours that are not permitted so that it is known to Individuals and avoided;
- b) To ensure the decisions and actions of Individuals are consistent with BC Artistic Swimming's vision, values, and policies.

6. BC ARTISTIC SWIMMING'S COMMITMENT TO NON-RETALIATION

6.1. Individuals are expected to raise any concerns about behaviour, to report any misconduct and to work together to ensure a positive, safe, and respectful work and sport environment. There will be no retaliation for speaking up and making a truthful report of actual or possible misconduct, for participating in an investigation, or for exercising an Individual's legal rights.

7. OBLIGATION TO REPORT

7.1. It is a violation of this Policy if an Individual knows of misconduct but takes no action to intervene on behalf of the athlete, employee, volunteer, or other Individual. Failure to report such misconduct may result in disciplinary action.

8. BEHAVIOUR EXPECTATIONS AND STANDARDS

8.1. ANTI-DOPING

8.1.1. BC Artistic Swimming supports the Canada Artistic Swimming adoption of the Canadian Anti-Doping Program. BC Artistic Swimming strictly prohibits the use of restricted drugs or performance-enhancing drugs and methods. BC Artistic Swimming is also opposed to the use of nutritional supplements and discourages their use by athletes. All Individuals have a responsibility to:

- a) Refrain from using any restricted drugs or performance enhancing drugs and methods;
- b) Respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by BC Artistic Swimming, Canada Artistic Swimming, or any other sport organization; and
- c) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport.

8.2. CONFIDENTIALITY

- 8.2.1. Individuals may have access to Confidential Information. Confidential Information includes:
- a) Personal information about Individuals as defined in the BC Artistic Swimming *Privacy Policy*;
 - b) Information that is not known or available to the Individual on a non-confidential basis prior to its disclosure to the Individual including financial information, strategic plans, intellectual property, and information related to the programs, business or affairs of BC Artistic Swimming or any Individual; and
 - c) Information that is not known or available to the general public other than as a result of disclosure by the Individual.
- 8.2.2. Every Individual has a duty to take reasonable steps to secure Confidential Information and to not disclose such Confidential Information, including once the Individual ceases to work, provide services, or volunteer for BC Artistic Swimming. An Individual must not use information that is gained due to his or her relationship with BC Artistic Swimming for personal profit, or in order to further any personal, private or public interest.
- 8.2.3. Any intentional or negligent disclosure of Confidential Information to persons who the Individual knew, or ought to have known, should not have received the Confidential Information, or misuse of such Confidential Information, may result in sanctions under BC Artistic Swimming's *Discipline and Complaints Policy*.

8.3. CONFLICT OF INTEREST

- 8.3.1. All Individuals are obligated to act in the best interests of BC Artistic Swimming and to avoid conflicts of interest. Individuals must avoid situations where their personal interests or the personal interests of their Related Parties could interfere or may conflict, directly or indirectly, with their obligations to BC Artistic Swimming.
- 8.3.2. Even if an Individual does not have an actual conflict of interest, if other people perceive one, they may still be concerned that the Individual cannot act properly. For this reason, it is important to avoid the appearance of a conflict, as well as an actual one. Being seen or thought to be in a conflict of interest can damage the reputation of the Individual, and the reputation of BC Artistic Swimming.
- 8.3.3. Conflicts of interest may arise in situations involving:
- a) An interest, either real or perceived, that benefits the Individual or a Related Party including where:
 - A pecuniary interest is derived;
 - Preferential treatment is given;

- There is interference in the decision-making process; or
- Personal advantage of any kind may be derived;
- b) Outside organizations with which the Individual has an official governing responsibility, or which employ the Individual or a Related Party;
- c) The Individual has a financial interest in another organization doing business with BC Artistic Swimming; or
- d) Real or perceived potential to compromise the best interests of BC Artistic Swimming.

8.3.4. Managing Conflicts of Interest

- 8.3.4.1. This Policy does not identify or prohibit conflicts of interest but provides a basis to manage such situations as they arise. Conflicts of interest cannot always be avoided.
- 8.3.4.2. If an Individual finds themselves in a conflict of interest or a situation where they believe that others may perceive them to be in a position of conflict, the Individual must declare the conflict immediately so that action can be taken to resolve the situation. This is the best way for interested Individuals to protect themselves and their reputation for honesty, fairness and objectivity.

8.3.5. Declaring a Conflict of Interest

- 8.3.5.1. Individuals must take one of these steps to declare a conflict of interest:
 - a) Verbally report the conflict of interest to the Executive Director or President or to the directors or committee members at a board of directors or committee meeting; or
 - b) Disclose the conflict of interest in writing by sending a letter to the Executive Director or President;
 - c) In the case of officials, disclose the conflict of interest in writing by sending a letter to the Chair of the Officials Committee.

8.3.6 Managing Conflicts in Decision-making

- 8.3.6.1 Decisions or transactions that involve a real or perceived conflict of interest that have been disclosed by the Interested Individual may be considered and decided upon provided that:
 - a) The nature and extent of the conflict of interest has been disclosed fully to the body that is considering or making the decision, and this disclosure and how it was managed is recorded in the minutes;
 - b) The Interested Individual is not included in the determination of quorum for the proposed decision or transaction; and
 - c) The Interested Individual abstains from voting on the proposed decision or transaction and may be asked to recuse him/herself from the meeting.
- 8.3.6.2 Minor conflicts of interest can be managed simply by disclosing them. If the Executive Director or the President or the other directors or committee members at a board of directors or committee meeting agree unanimously that the conflict is minor, the Interested Individual can continue to participate in the decision.

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- 8.3.6.3 More serious conflicts will require the Interested Individual to temporarily recuse him or herself from meetings and to not participate in any formal discussion on the matter giving rise to the conflict of interest. The Interested Individual must not attempt to learn about, provide information or otherwise influence the discussion or voting on a decision or transaction, either formally at a board or committee meeting or informally through private contact, communication or discussion, except as provided below:
- a) On the unanimous request of the body that is considering or making the decision, the Interested Individual may present information or respond to questions relating to the decision or transaction.
- 8.3.6.4 To avoid the appearance that BC Artistic Swimming is giving Interested Individuals an advantage, the body that is considering or making the decision must:
- a) If applicable, ensure that alternate bids or estimates have been obtained; and
 - b) Determine by a majority vote that the transaction is fair and reasonable and in BC Artistic Swimming's best interest.
- 8.3.6.5 In situations where an Individual's objectivity and ability to carry out his or her duties and responsibilities with BC Artistic Swimming are hindered by ongoing conflicts of interest, the Individual should offer to resign from their position.
- 8.3.7. Recognizing When Others are in Conflict
- 8.3.7.1. When an Individual believes that another Individual has an actual or perceived conflict of interest that has not been declared, they have a responsibility to take one of these steps:
- a) Inform the Executive Director or President or the directors or committee members at a board of directors or committee meeting, of the potential conflict of interest; or
 - b) In the case of officials, inform the Chair of the BC Officials Committee.
- 8.3.7.2. Pointing out a conflict of interest is not an accusation, it is merely looking out for due process.
- 8.3.8. Benefits, Entertainment and Gifts
- 8.3.8.1. Individuals must not solicit or accept benefits, entertainment or gifts (collectively "Gifts") in exchange for or as a condition of the exercise of their duties, or as an inducement for performing an act associated with their duties or responsibilities with BC Artistic Swimming. Similarly, Individuals must not give away Gifts on behalf of BC Artistic Swimming in exchange for, or as a condition of, any benefit for BC Artistic Swimming or the Individual.

8.3.8.2. It is the responsibility of the Individual to ensure that a gift, whether received or to be given, is proper. If in doubt, the Individual should consult with their immediate supervisor or a Person in Leadership.

8.3.9. Outside Business Activity

8.3.9.1. A BC Artistic Swimming employee or person under contract with BC Artistic Swimming may undertake an outside business activity if there is no conflict of interest and if the satisfactory performance of the employee or contractor's job functions with BC Artistic Swimming is not prejudiced in any way. Such activities include an outside business interest, directorship or outside employment. In addition, the following rules apply:

- a) The BC Artistic Swimming employee or contractor should not engage in any activity likely to compromise BC Artistic Swimming's reputation;
- b) The BC Artistic Swimming employee or contractor should not conduct outside business or volunteer work on BC Artistic Swimming time or use BC Artistic Swimming information, equipment or facilities to conduct an outside business or volunteer interest. This includes soliciting other Individuals to participate in an outside business activity; and
- c) Before taking on or continuing an outside business interest or committing to a job outside BC Artistic Swimming, this should be discussed with the Executive Director to be sure these activities do not create a conflict or the appearance of a conflict.

8.3.10. Officials

8.3.10.1. All officials are obligated to avoid situations where their or their Family Members' personal interests could conflict with behaviour expectations for officials or otherwise call their integrity into question.

8.3.10.2. When possible, officials will not be selected for events or competitions where they have a conflict of interest. When Officials with a conflict of interest are selected for events, the conflict must be declared to the Chief Referee in advance of the event.

8.3.10.3. The following categories of people are deemed to have a conflict of interest:

- a) A Family Member of a competitor;
- b) A current Coach of a competitor or a Family Member of a Coach of a competitor;
- c) A Team Manager of a competitor or a Family Member of a Team Manager of a competitor; and
- d) A member of the Board of a competitor's club, or a Family Member of a member of the Board of a competitor's club.

8.3.11. Board and Committee Members

8.3.11.1. BC Artistic Swimming board and committee members must not allow their loyalty to BC Artistic Swimming to be compromised by their relationship to or involvement in another organization.

8.3.11.2. BC Artistic Swimming board and committee members are also subject to prohibitions, as follows:

- a) Paid employees or significant contractors of BC Artistic Swimming may not be elected as Directors;
- b) Paid employees or significant contractors of Canada Artistic Swimming may not be elected as Directors.

8.3.11.3. BC Artistic Swimming board and committee members must acquaint themselves with the BC Artistic Swimming By-laws and sign any related certification. BC Artistic Swimming board and committee members may not be remunerated for their services or obtain loans from BC Artistic Swimming. Any and all remuneration, compensation or expense reimbursement shall be in accordance with BC Artistic Swimming Bylaws.

8.3.12. Preferential Treatment

8.3.12.1. Individuals must not act in their official roles with BC Artistic Swimming to assist organizations or persons in their dealings with BC Artistic Swimming, if this may result in, or potentially appear to result in, preferential treatment to that organization or person.

8.3.13. Violations of the Conflict of Interest Requirements

8.3.13.1. Any failure by Individuals to disclose actual or possible conflicts of interest may result in disciplinary action under BC Artistic Swimming's *Discipline and Complaints Policy*.

8.4. **FAIR PLAY**

8.4.1. BC Artistic Swimming is committed to a sport and work environment that provides equitable opportunities and access and treats all individuals with respect and fairness.

8.4.2. By making sure that the rules, coaches, officials, and participants are respected at all times, BC Artistic Swimming gives all members an equal chance to develop and test their skills.

8.4.3. BC Artistic Swimming encourages the prompt reporting of all incidents that are not in support of fair play.

8.4.4. Fair Play is defined by:

- a) Respect for the rules, officials and their decisions, other participants and volunteers and encouraging others to respect the spirit of the sport.
- b) Fairness by ensuring everyone has an equal chance to participate and playing honestly – obey both the letter and spirit of the rules. Winning is only meaningful when competition is fair.
- c) Integrity demonstrated in leading by example, maintaining a positive attitude both on and off the field of play, and helping athletes develop a positive self-image. Win with dignity and lose with grace.

9. EQUITY AND INCLUSION

- 9.1. BC Artistic Swimming is committed to equity, diversity and inclusion in all of its activities. All Individuals share a responsibility to provide a sport and work environment that fosters these values and will ensure that they are key considerations when setting policies and developing, updating or delivering their programs.

10 DISCRIMINATION, HARASSMENT AND VIOLENCE

- 10.1 All Individuals are expected to support a work and sport environment that fosters respect and promotes everyone's dignity and self-esteem. BC Artistic Swimming recognizes that discrimination, harassment, bullying and violence can poison the work and sport environment, not only for the group targeted, but for many other Individuals. All Individuals must recognize that it is the impact of the behaviour on a recipient that is paramount, not the intent of the individual who engages in the perceived offending behaviour.
- 10.2 BC Artistic Swimming and its Members and Affiliated Organizations are committed to creating and maintaining a work and sport environment that is free from discrimination, harassment, sexual harassment, bullying and violence, and in which all persons are treated fairly and with respect.
- 10.3 BC Artistic Swimming and its Members and Affiliated Organizations encourage the reporting of all incidents of discrimination, harassment, bullying, and violence regardless of who the offender may be.
- 10.4 **DISCRIMINATION**
- 10.4.1 Discrimination means any action, behaviour or attitude that negatively affects the employment, performance, or volunteer activities of an individual, where such actions, behaviour, or attitude is based on a prohibited ground of discrimination under applicable human rights law, including race, colour, religion, sexual orientation, disability, or age.

Discrimination can take place without any intent to do harm and can be based on a person's real or perceived characteristics.

- 10.4.2 This policy also applies to any other ground of discrimination prohibited by applicable law. Examples of discrimination include:
- a) Making stereotypical assumptions including making someone feel more or less worthy as a person on the basis of race, colour, religion, sexual orientation, gender expression, gender identity, disability, age, or other characteristics described in applicable human rights legislation; or
 - b) Imposing burdens or withholding or limiting access to opportunities, benefits, and advantages available to others, in a way that cannot be justified.

10.5 HARASSMENT

- 10.5.1 Harassment is a form of discrimination, and refers to conduct, comment, or display that is known, or ought reasonably to be known, to be unwelcome and where the wrongful conduct may be linked to things like the person's race, colour, religion, sexual orientation, disability, age, or body type. Harassment includes bullying and can take many forms but often involves conduct, comment, or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading, or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. One incident could be enough to constitute harassment.
- 10.5.2 Harassment does not include:
- a) Interpersonal conflict or disagreement; or
 - b) The proper exercise of performance evaluation, appropriate managerial direction, delegation, performance management, or attendance management.
- 10.5.3 Specific categories of Harassment include personal harassment, bullying and sexual harassment.
- 10.5.4 **Personal Harassment**
Personal harassment is wrongful conduct directed toward an individual that the perpetrator knew, or ought reasonably to have known, would be unwelcome. This behaviour is not necessarily linked to the prohibited grounds of discrimination.

Examples of personal harassment include:

- a) Belittling jokes, insults, name-calling, inappropriate teasing, taunting, or condescension that undermines self-esteem, diminishes performance, or creates a hostile sport or work environment;
- b) Written or verbal abuse, threats, or outbursts;
- c) Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;

- d) Ignoring someone for extended periods of time or routinely or arbitrarily excluding them from practice;
- e) Any form of hazing; and
- f) The display or distribution of visual or audio material that is offensive, or that one ought to know is offensive in the circumstances.

10.5.5 **Bullying**

Bullying is unwanted verbal, physical or social behaviour directed to harming, intimidating, humiliating, or controlling inappropriately another person. Bullying usually involves repeated incidents or a pattern of behaviour and a real or perceived power imbalance.

Examples of bullying include:

- a) Name-calling, inappropriate teasing, or spreading rumours, gossip, or innuendo;
- b) Excluding or isolating someone socially or embarrassing someone in public;
- c) Intimidating a person or physically abusing or threatening abuse;
- d) Withholding necessary information or purposefully giving the wrong information;
- e) Damaging, destroying, or stealing personal belongings; and
- f) Using the internet, social media, or text messaging to intimidate, put-down, spread rumours, or make fun of someone.

10.5.6 **Sexual Harassment**

Sexual harassment is engaging in comments or behaviour of a sexual nature such as unwelcome sexual invitations or requests, unwanted physical contact such as touching or kissing, or innuendo or taunting about a person's body type, physical appearance or sexual orientation, gender identity, or gender expression. Sexual harassment is also making sexual invitations or requests where the person making the invitation or request is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the invitation or request is unwelcome.

10.6 **VIOLENCE**

Violence is any actual, attempted, or threatened conduct of a person that causes or is likely to cause physical or psychological harm, injury, or illness or that gives a person reason to believe that they or another person is at risk of physical or psychological harm, injury, or illness. BC Artistic Swimming and its Members and Affiliated Organizations are committed to the prevention of violence and to providing a safe and respectful work and sport environment. BC Artistic Swimming and its Members and Affiliated Organizations will not tolerate any type of violent behaviour within BC Artistic Swimming offices or at BC Artistic Swimming Activities.

11.DRUGS, ALCOHOL, CANNABIS, TOBACCO AND E-SMOKING PRODUCTS

- 11.1. Individuals must never provide, promote, condone, or ignore substance abuse, the non-medical use of drugs or the use of performance enhancing drugs or methods and, in the case of minors, the use of alcohol, cannabis, tobacco, or e-smoking products.
- 11.2. Individuals will refrain from consumption of alcohol, cannabis, tobacco, or e-smoking products while engaged in a BC Artistic Swimming Activity where minors are present, except for approved adult-oriented social situations associated with BC Artistic Swimming events.
- 11.3. Individuals will exercise moderation when consuming alcohol or cannabis products in adult-oriented social situations associated with BC Artistic Swimming events.

11.4. Cannabis

Laws passed by the federal government and each Canadian province and territory define restrictions on recreational cannabis use including minimum cannabis use age and where cannabis may be consumed. Individuals will adhere to all federal, provincial and territorial laws on cannabis use.

Subject to limited exceptions for medical cannabis, cannabis use in the workplace is prohibited. BC Artistic Swimming employees, anyone under contract with BC Artistic Swimming, and anyone attending the BC Artistic Swimming offices or other BC Artistic Swimming workplaces for work-related purposes will refrain from using recreational cannabis:

- a) During work hours, including work breaks;
- b) During non-work hours where there is a potential impact on the reputation of BC Artistic Swimming; and
- c) While conducting business for BC Artistic Swimming or otherwise representing BC Artistic Swimming, including travelling for work-related purposes.

The World Anti-doping Agency (WADA) has cannabis on its list of prohibited substances and cannabis use by any athlete subject to the Canadian Anti-doping Program may be considered doping. All Individuals have a responsibility to understand and observe Canadian Centre for Ethics in Sport (CCES) rules on cannabis use.

12.INTIMATE OR SEXUAL RELATIONSHIPS

Individuals must not engage in an inappropriate, intimate, or sexual relationship with an individual who is under the age of majority at the time or in the jurisdiction where the sexual activity takes place, or at all when he or she is in a position of power, trust, or authority over the other individual, even if all parties are consenting adults.

13.SOCIAL MEDIA

Individuals are expected to act in a responsible manner in relation to the content of personal websites and information communicated and shared on blogs and over social media. Individuals will:

- a) Acquaint themselves with BC Artistic Swimming's mission, vision, values and policies and behave accordingly;
- b) Protect their privacy and take care to understand the social media site's privacy settings and terms of service;
- c) Take reasonable steps to secure Confidential Information and to not disclose such information;
- d) Maintain a clear distinction between personal and professional social media use including having two separate accounts for these purposes when required;
- e) Ensure that all content is appropriate for viewing by minor athletes;
- f) Refrain from posting images or content related to drugs, alcohol, cannabis, tobacco or e-smoking products; and
- g) Keep their posts positive and not engage in bullying or negative or critical conversations online.

14.CHILD PROTECTION

Individuals are required to report inappropriate behaviour to their member Club and/or BC Artistic Swimming. Matters of an inappropriate nature must be formally managed but may be managed internally in that BC Artistic Swimming or the member Club will determine if the behaviour is inappropriate and how it is to be addressed.

Unlawful behaviours must be reported to the child welfare agency and/or law enforcement for investigation.

15.SPECIFIC BEHAVIOUR EXPECTATIONS AND STANDARDS

In addition to the previous sections of this *Conduct Policy*, there are certain behaviour expectations and standards that apply to specific categories of Individuals, as follows:

15.1. ATHLETES

Athletes engaged in BC Artistic Swimming Activity shall:

- a) Strive for personal and team achievement through complete, consistent and sincere effort;
- b) Show respect for themselves and for all others;
- c) Contribute to a positive team culture by providing positive and constructive comments to teammates that motivate and encourage continued effort;
- d) Recognize that any bullying behaviour will not be tolerated and let their coach or a Person in Leadership know immediately if they have witnessed bullying behaviour or have been the victim of bullying;

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- e) Immediately report to their coach any health or medical issue that may prevent or limit their ability to train, travel or compete and, in the case of carded athletes, their ability to fulfill the carding requirements;
 - f) Only participate in competitions for which they are eligible to compete;
 - g) Arrive for each practice, competition, selections or other BC Artistic Swimming Activity on time, with all appropriate gear, well-nourished and prepared to the best of their ability;
 - h) Conduct themselves in a sportsmanlike manner, whether as competitors or spectators, and not tolerate anyone among them who does not;
 - i) Never consume alcohol, cannabis, tobacco, or e-smoking products as a minor or while participating in a BC Artistic Swimming Activity;
 - j) Where applicable, adhere to the BC Artistic Swimming Athlete Agreement, its requirements and expectations;
 - k) Comply with BC Artistic Swimming's rules and requirements regarding clothing, equipment, training, travel, competition and curfew;
 - l) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
 - i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms;
 - vi. abide by the established training limits and restrictions.

15.2. BOARD AND COMMITTEE MEMBERS

BC Artistic Swimming directors, officers and committee members shall:

- a) Be responsible first and foremost to the welfare of BC Artistic Swimming and function primarily as a member of the board or committee, not as a member of any particular constituency;
- b) Conduct themselves openly, professionally, lawfully and in good faith in a way that is aligned with and reinforces BC Artistic Swimming's values and ethical standards;
- c) Exercise due diligence in holding their fiduciary responsibility to Individuals;
- d) Promote an appropriate culture that emphasizes the fair handling of conflicts of interest;
- e) Ensure that all directors, officers, and committee members are given sufficient opportunity to express opinions and that all opinions are given due consideration and weight;
- f) Respect the decisions of the majority and resign if unable to do so;
- g) Commit the time to attend meetings and to be diligent in their preparation for and participation in discussions; and
- h) Have a thorough knowledge and understanding of all BC Artistic Swimming's governing by-laws, policies, and rules;
- i) Promote a culture that values complaints and their effective resolution.

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- m) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
- i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms.

15.3. COACHES

Coaches engaged in BC Artistic Swimming Activity shall:

- a) Demonstrate responsible leadership and adhere to the NCCP Code of Ethics;
- b) Fulfill the certification and training requirements established in BC Artistic Swimming's Coach Certification Policy;
- c) Act in the best interest of the athlete's development as a whole person and in alignment with the True Sport Principles;
- d) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes, and educating athletes as to their responsibilities in contributing to a safe environment;
- e) Work cooperatively with sport medical professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments;
- f) Never encourage or permit an athlete to return to play prematurely or without the clearance of a medical professional following a serious injury;
- g) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise;
- h) Never withhold information or take any action that could inappropriately influence athlete decision-making about participation in national or provincial team or other training programs;
- i) Support the coaching staff of any training camp or provincial or national team training program should an athlete qualify for participation in one of these programs;
- j) Not use their position as a coach to solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete;
- k) Provide athletes and the Parents of minor athletes with the information required to be involved in the decisions that affect the athlete;
- l) Exemplify conduct they wish their athletes to adopt in dress and behaviour;
- m) Maintain professional boundaries with athletes and refrain from interacting with minor athletes on social media other than through a distinct professional account;
- n) Ensure all online dialogue and interactions with minor athletes are for artistic swimming-related purposes only;
- o) Ensure their athletes understand that discrimination, harassment, bullying, and violence will not be tolerated, and create a culture of disclosure and reporting at the athlete level;

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- p) Use inoffensive language and refrain from yelling at athletes in a manner that serves no productive training or motivational purpose;
 - q) Not criticize other coaches publicly and interact in a professional manner;
 - r) Comply with BC Artistic Swimming's rules and requirements regarding dress code;
 - n) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
 - i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms;
 - vi. abide by the established training limits and restrictions.

15.4. OFFICIALS

Officials engaged in BC Artistic Swimming Activity shall:

- a) Accept an assignment to officiate at a competition or event only if they intend to honour that commitment, and let the appropriate person know as soon as possible if, for any reason, they are unable to attend;
- b) Conduct themselves openly, professionally, impartially, and in good faith in all officiating activities;
- c) Avoid endorsing or posting information about an athlete, coach, or other individuals that may suggest a preferential relationship or give the appearance of a conflict of interest;
- d) Declare a conflict of interest where applicable and refrain from officiating in situations where the perception of a conflict of interest may be present;
- e) Make independent judgments;
- f) Respect the confidentiality required by issues of a sensitive nature, including elections, defaults, forfeits, discipline processes, appeals, and other Confidential Information about Individuals;
- g) Commit to understanding and practicing their role as judge, referee, scorer, or other official and act appropriately within that role;
- h) Maintain technical knowledge of artistic swimming and all current rules and rule changes;
- i) Be accountable for decisions made while officiating and when writing reports, set out the true facts;
- j) Share technical knowledge and experience of artistic swimming with athletes, parents, coaches, meet managers, volunteers, BC Artistic Swimming employees, and other officials to enhance the development of the sport;
- k) Not criticize other officials publicly and interact in a professional manner;
- l) Comply with BC Artistic Swimming's rules and requirements regarding dress code; and

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- m) Not use their position as an official or affiliation with a member Club to solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.
 - o) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
 - i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms;
 - vi. abide by the established training limits and restrictions.

15.5. PARENTS AND SPECTATORS

Parents or spectators engaged in BC Artistic Swimming Activity shall:

- a) Never ridicule an athlete for making a mistake during a performance or practice and provide positive comments that motivate and encourage all athletes' continued effort;
- b) Respect the decisions and judgments of officials and encourage athletes to do the same;
- c) Respect and show appreciation to all competitors and to the coaches, officials, meet managers, volunteers and other Individuals who give their time to the sport of artistic swimming;
- d) Refrain from the use of bad language, and not interfere with events or harass competitors, coaches, officials, meet managers, volunteers, or other parents or spectators; and
- e) Not solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete.
- f) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
 - i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms;
 - vi. abide by the established training limits and restrictions.

15.6. PERSONS IN LEADERSHIP

Persons in Leadership shall:

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- a) Promote awareness and understanding of BC Artistic Swimming values and this *Conduct Policy*;
 - b) Consider equity, diversity and inclusion when setting policies and developing, updating or delivering BC Artistic Swimming programs;
 - c) Act as a role model through their behaviour, actions, and words and encourage and motivate other Individuals to do the same;
 - d) Build trust of BC Artistic Swimming employees, athletes and other Individuals by listening to and understanding their interests and needs;
 - e) Instill an atmosphere of collaboration;
 - f) Not use their position to solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete;
 - g) Maintain an environment where everyone feels comfortable asking questions and raising concerns; and
 - h) Assist people to make a complaint, if needed;
 - i) Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate;
 - j) Advise the BC Artistic Swimming Executive Director immediately of any situation where a complainant has publicized a complaint in the media;
 - k) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender; and
 - l) Provide BC Artistic Swimming's Executive Director with a copy of a report on the outcome of any investigation into harassment or violence.
 - m) Comply with any and all health and safety measures that are in place by BC Artistic Swimming or its Member Clubs, including but not limited to:
 - i. participating in daily health monitoring activities;
 - ii. refraining from entering the training environment if presenting with noted symptoms or having close contact with someone with symptoms;
 - iii. following recommended self-isolation or quarantine protocols when appropriate;
 - iv. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, the facility, or their Club, including physical distancing, wearing personal protective equipment, personal hygiene, etc.;
 - v. complete and sign application waivers and forms;
 - vi. abide by the established training limits and restrictions.

15.7. CLUBS

Clubs registered with BC Artistic Swimming shall:

- a) Adhere to all BC Artistic Swimming's governing by-laws, policies and rules and, where necessary, amend their own rules to comply with those of BC Artistic Swimming;
- b) Recognize that their websites, blogs, and social media accounts are seen as extensions of BC Artistic Swimming and must reflect BC Artistic Swimming's mission, vision and values;
- c) Ensure that all athletes and coaches participating in BC Artistic Swimming sanctioned competitions and events are registered and in good standing;

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- d) Have well-defined hiring practices and standards in place, including interviews, reference checks, and police record checks and vulnerable sector screening as required by BC Artistic Swimming to ensure athletes have a healthy and safe sport environment;
 - e) Not solicit athletes (or the Parents of minor athletes) unless first receiving approval from the coaches who are responsible for the athlete; and
 - f) Ensure that all coaches and other individuals participating in BC Artistic Swimming Activity have completed any screening requirements as required by BC Artistic Swimming;
 - g) Promote a culture that values complaints and their effective resolution;
 - h) Ensure that any possible or actual misconduct is investigated promptly and thoroughly, as appropriate;
 - i) Advise the BC Artistic Swimming Executive Director immediately of any situation where a complainant has publicized a complaint in the media;
 - j) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender; and
 - p) Provide BC Artistic Swimming's Executive Director with a copy of a report on the outcome of any investigation into harassment or violence.
 - q) Comply with any and all health and safety measures that are in place by BC Artistic Swimming, including but not limited to:
 - i. implementing daily health monitoring activities;
 - ii. developing and implementing appropriate illness policies that include managing individuals with symptoms, self-isolation or quarantine protocols, and managing outbreaks;
 - iii. following, to the best of their ability, the laws, recommended guidelines, and protocols issued by the Government of BC, BC Artistic Swimming, and the facility, including physical distancing, wearing personal protective equipment, personal hygiene, cleaning protocols, etc.;
 - iv. administering and retaining records of the appropriate waivers and forms;
 - v. abiding by the established training limits and restrictions.

16. DISCIPLINE AND COMPLAINTS POLICY

15.1. DEFINITIONS

The following terms have these meanings in this Policy:

“Case Manager” – The individual who is appointed to oversee the management of a complaint in accordance with these policies and who provides administrative support to a Discipline Chair and/or Discipline Panel. The Case Manager implements certain procedures described in this *Discipline and Complaints Policy* and ensures the Discipline Chair or Discipline Panel adhere to the timelines set out herein. The Case Manager does not need to be a member of, or affiliated with, BC Artistic Swimming.

“Complainant” – The Party alleging an infraction

“Days” – Days including weekends and holidays

“Discipline Chair” – An individual who serves as the lead arbitrator for discipline and complaint matters reported to BC Artistic Swimming. The Discipline Chair’s role is further described in BC Artistic Swimming’s *Discipline Chair Job Description*.

“Individuals” – All categories of membership defined in BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, conveners, officials, umpires, volunteers, managers, administrators, committee members, Directors and Officers of BC Artistic Swimming, spectators, and parents/guardians of athletes

“Respondent” – The alleged infracting Party

15.2. PURPOSE

Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with BC Artistic Swimming’s policies, Bylaws, rules and regulations, and *Conduct Policy*. Non-compliance may result in sanctions pursuant to this Policy.

15.3. DISCIPLINE CHAIR

15.3.1. The Discipline Chair may be the Executive Director, a Director of the Board, or a volunteer associated with BC Artistic Swimming or the Sport Law Connect Program appointed to oversee the discipline process and serve as the lead arbitrator. The Discipline Chair may choose to appoint two (2) additional individuals to form a Discipline Panel and, in this case, decisions of the Discipline Panel will be by majority vote.

15.3.2. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

15.4. APPLICATION OF THIS POLICY

15.4.1. This Policy applies to all Individuals.

15.4.2. This Policy applies to matters that may arise during the course of BC Artistic Swimming’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with BC Artistic Swimming activities, and any meetings.

15.4.3. This Policy also applies to Individuals' conduct outside of BC Artistic Swimming's business, activities, and events when such conduct adversely affects relationships within BC Artistic Swimming (and its work and sport environment) or is detrimental to the image and reputation of BC Artistic Swimming. This Policy may also apply to Individuals' conduct at the discretion of BC Artistic Swimming.

15.4.4. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.

15.4.5. An employee of BC Artistic Swimming who is a Respondent will be subject to appropriate disciplinary action per BC Artistic Swimming's *Employee Procedures* as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

15.5. ALIGNMENT

15.5.1. BC Artistic Swimming recognizes that Individuals may also be registered with Member Clubs. BC Artistic Swimming requires Member Clubs to submit discipline decisions involving Individuals to BC Artistic Swimming and BC Artistic Swimming, at its discretion, may take further action.

15.5.2. If BC Artistic Swimming decides to take further action upon becoming aware of an Individual who has been disciplined by a Member Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. BC Artistic Swimming may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.

15.5.3. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Member Club when making a decision on the complaint per the terms of this Policy.

15.6. ADULT REPRESENTATIVE

15.6.1. Complaints may be brought for or against an Individual who is a minor (younger than 19 years old). Minors must have a parent/guardian or other adult serve as their representative during this process.

15.6.2. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.

15.6.3. A minor is not required to attend an oral hearing, if held.

REPORTING A COMPLAINT

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- 15.6.4. Any Individual may report an incident or complaint to the Executive Director in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Executive Director's discretion. The complaint should include:
- a) the names of the parties involved
 - b) any witnesses to the incident(s)
 - c) the location, date, and time of the incident(s)
 - d) details about the incident(s) (behaviour and/or words used)
- 15.7.2 **Harassment** - the Discipline Chair may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In this case, the Discipline Chair will appoint an Investigator in accordance with BC Artistic Swimming's *Conduct Policy*.
- 15.7.3 At BC Artistic Swimming's discretion, BC Artistic Swimming may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, BC Artistic Swimming will identify an individual to represent BC Artistic Swimming.

15.7 MANAGING A COMPLAINT

15.7.2 Complaints will be managed following one of two processes:

- a) Internal Review
The Complaint alleges the following incidents:
 - i. Disrespectful, abusive, racist, or sexist comments or behaviour
 - ii. Disrespectful conduct
 - iii. Minor incidents of physical aggression (e.g., tripping, pushing, elbowing)
 - iv. Conduct contrary to the values of BC Artistic Swimming
 - v. Non-compliance with BC Artistic Swimming's policies, procedures, rules, or regulations
 - vi. Minor violations of BC Artistic Swimming's *Code of Conduct and Ethics*
- b) Discipline Panel
The Complaint alleges the following incidents:
 - i. Repeated minor incidents
 - ii. Any incident of hazing
 - iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
 - v. Pranks, jokes, or other activities that endanger the safety of others
 - vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - vii. Conduct that intentionally damages BC Artistic Swimming's image, credibility, or reputation
 - viii. Consistent disregard for BC Artistic Swimming's bylaws, policies, rules, and regulations

- ix. Major or repeated violations of BC Artistic Swimming's *Code of Conduct and Ethics*
- x. Intentionally damaging Organization property or improperly handling BC Artistic Swimming monies
- xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- xii. A conviction for any *Criminal Code* offense
- xiii. Any possession or use of banned performance enhancing drugs or methods

15.8.2 Upon review of a complaint and within five (5) days of receiving the complaint, the Executive Director will determine the appropriate process for managing the complaint.

15.8.3 If deemed to be a matter for Internal Review, the Executive Director will serve as the Discipline Chair and examine the matter in accordance with the timeline and process outlined herein. In such cases as the Executive Director is in conflict of interest, another Party will be appointed as Discipline Chair.

15.8.4 If deemed to be a matter for a Discipline Panel, unless there is a conflict of interest, the Executive Director will serve as the Case Manager and will appoint a Discipline Chair and, if/when appropriate, a Discipline Panel. If the Executive Director has a conflict of interest, another Party will be appointed as Case Manager. The Discipline Chair may be appointed as Case Manager.

15.8.5 At the discretion of the Executive Director, the Discipline Chair and/or Discipline Panel may be appointed through Sport Law Connect. In such cases as Sport Law Connect is appointed to manage a case, the rules and procedures of the [Sport Law Connect program](#) will apply.

15.8.6 Managing an Internal Review Complaint

15.8.6.1 A Discipline Chair will be appointed within ten (10) days of receiving the complaint. The Discipline Chair should not be in conflict of interest and should have experience in understanding and interpreting policies and procedures.

15.8.6.2 The Discipline Chair's initial responsibility is to determine whether the complaint is frivolous and/or within the jurisdiction of the *Discipline and Complaints Policy*. The Discipline Chair is required to provide a ruling in this regard within five (5) days of being appointed.

15.8.6.3 Based on the decision of the Discipline Chair, the following process will be followed:

- a) If the complaint is deemed to be unfounded or frivolous, no further action will be taken. A letter will be sent to the complainant advising them of the findings of the Discipline Chair within five (5) days of the ruling.
- b) If the complaint is deemed to have merit and to fall within the jurisdiction of BC Artistic Swimming and its *Discipline and Complaints Policy*, the respondents will be advised of the

complaint and the allegations made against them and ask asked to respond to the allegations, in writing, within ten (10) days of being notified of the complaint.

15.8.6.4 In such cases as the Respondent fails to submit their response in accordance with the established timelines, the Discipline Chair will proceed with rendering a decision based on the information available.

15.8.6.5 Within five (5) days of receiving the Respondent's response, the Discipline Chair will determine what, if any, sanctions are warranted and advise all parties of the decision.

15.8.6.6 Records of all sanctions will be maintained by BC Artistic Swimming.

15.8.7 Managing a Discipline Panel Complaint

15.8.7.1 If necessary, a Case Manager will be appointed within ten (10) days of receiving the complaint. The Case Manager should not be in conflict of interest and should have experience in understanding and interpreting policies and procedures. This is not appealable.

15.8.7.2 A Discipline Chair will be appointed within ten (10) days of receiving the complaint. The Discipline Chair should not be in conflict of interest and should have experience in dispute resolution and understanding and interpreting policies and procedures. This is not appealable.

15.8.7.3 The Discipline Chair's initial responsibility is to determine whether the complaint is frivolous and/or within the jurisdiction of the *Discipline and Complaints Policy*. The Discipline Chair is required to provide a ruling to the Case Manager within five (5) days of being appointed.

15.8.7.4 The Discipline Chair's ruling must also include a recommendation whether to manage the case using a dispute resolution process (see *BC Artistic Swimming Dispute Resolution Policy*), a Discipline Panel consisting of a single arbitrator, or a Discipline Panel of three arbitrators. This is not appealable.

15.8.7.5 Based on the decision of the Discipline Chair, the following process will be followed:

- a) If the complaint is deemed to be unfounded or frivolous, no further action will be taken. The Case Manager will send a letter to the complainant advising them of the findings of the Discipline Chair within five (5) days of the ruling.
- b) If the complaint is deemed to have merit and to fall within the jurisdiction of BC Artistic Swimming and its *Discipline and Complaints Policy*, the Case Manager will advise the parties of the ruling and the proposed procedures for managing the case within five (5) days of receiving the Discipline Chair's ruling.

15.8.7.6 In such cases as the Discipline Chair recommends managing the case through a dispute resolution process, all parties must confirm their consent to participate in the dispute resolution process, in writing, within five (5) days of receiving the notice.

15.8.7.7 In such cases as the parties refuse dispute resolution or the Discipline Chair recommends the matter be managed by a Discipline Panel, the format under which the complaint will be heard must be determined within five (5) days of the Discipline Chair's ruling. 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 Case Manager will advise all parties of the format under which the complaint will be heard within two (2) days of the ruling. This is not appealable.

15.8.7.8 All parties are expected to make themselves available for the complaint to be heard through Dispute Resolution or by a Discipline Panel within thirty (30) days of the Discipline Chair's ruling on the format under which the complaint will be heard.

15.8.7.9 All parties shall be given no less than five (5) days' notice of any hearings or meetings related to the complaint. The hearing will follow the procedures outlined herein.

15.8.7.10 Upon hearing the complaint, the Discipline Chair is to report the outcome of the Dispute Resolution process or the findings of the Discipline Panel to the Case Manager within fourteen (14) days of the decision being made.

15.8.7.11 The Case Manager will advise all parties of the findings within sixteen (16) days of the hearing.

15.8.2.1 Records of all sanctions will be maintained by BC Artistic Swimming.

15.8.8 Decision

15.8.8.1 After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, sanctions to be imposed. The Discipline Panel's written decision, with reasons, will be distributed by the Case Manager to all Parties and BC Artistic Swimming in accordance with the timeline set out herein. 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 with the established timelines. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

15.8.8.2 Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

15.8.8.3 Records of all decisions will be maintained by BC Artistic Swimming.

15.8.9 Sanctions

15.8.9.1 Internal Review

15.8.9.1.1 Recommended Sanctions

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to BC Artistic Swimming
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all Organization activities for a designated period of time
- g) Any other sanction considered appropriate for the offense

15.8.9.1.2. Request for Reconsideration

15.8.9.1.2.1.1. Sanctions rendered through the Internal Review process may not be appealed until the completion of a Request for Reconsideration.

15.8.9.1.2.1.2. The Respondent may contest the sanction by submitting a Request for Reconsideration within ten (10) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) All evidence to support the Respondent's position; and
- c) What penalty or sanction (if any) would be appropriate.

15.8.9.1.2.1.3. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

15.8.9.1.2.1.4. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

15.8.9.1.2.1.5. Should the Discipline Chair not accept the Respondent's suggestion of an appropriate sanction, the Respondent may request that the initial complaint or incident be handled under the Discipline Panel Process of this Policy.

15.8.9.2. Discipline Panel

15.8.9.2.1 Recommended Sanctions

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 BC Artistic Swimming
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all BC Artistic Swimming activities for a designated period of time
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from BC Artistic Swimming or from other sources
- i) Expulsion from BC Artistic Swimming
- j) Any other sanction considered appropriate for the offense

15.8.9.2.2 Appeals

The decision of a Discipline Panel may be appealed in accordance with BC Artistic Swimming's *Appeal Policy*.

15.8.10 Discipline Panel Procedures

15.8.10.1 The Case Manager has a responsibility to:

- a) Appoint a Discipline Chair and a Discipline Panel, if necessary
- b) Coordinate all administrative aspects and ensure the parties adhere to set timelines
- c) Serve as the liaison and communicate with all Parties, as required
- d) Provide administrative assistance and logistical support to the Discipline Panel as required
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

15.8.10.2 The Discipline Chair has a responsibility to:

- a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- b) Propose the use of BC Artistic Swimming's *Dispute Resolution Policy*
- c) Work with the Case Manager to appoint a Discipline Panel, if necessary
- d) Adhere to the set timelines
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
- f) Following a hearing or decision, provide a clearly written report outlining the Discipline Panel's decision and the rationale for the decision as well as the sanctions to be imposed

15.8.10.3 The hearing will be governed by the procedures that the Discipline Chair and/or Discipline Panel deem appropriate in the circumstances, provided that:

- a) In the case of an oral in-person hearing or an oral hearing by telephone or other

communication medium, the Parties are given notice of the day, time, and place of the hearing as prescribed herein

- b) 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, no less than two (2) days in advance of the hearing
- c) The Parties may engage a representative, advisor, or legal counsel at their own expense
- d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
- e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
- f) The decision will be by a majority vote of the Discipline Panel

15.8.10.4 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.

15.8.10.5 The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

15.8.10.6 A Party that fails to attend a hearing after receiving notice of the hearing in accordance with these policies, shall be deemed not in good standing with BC Artistic Swimming until such time as the matter is resolved in a subsequent hearing. In such cases, it is the Party's responsibility to request a subsequent hearing.

15.8.10.7 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 current complaint and will be bound by the decision.

15.8.10.8 In fulfilling its duties, the Discipline Panel may obtain independent advice.

15.8.11 Suspension Pending a Hearing

BC Artistic Swimming may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, a hearing, or a decision of the Discipline Panel.

15.8.12 Criminal Convictions

An Individual's conviction for a *Criminal Code* offense, as determined by BC Artistic Swimming, will be deemed an infraction under this Policy and will result in expulsion from BC Artistic Swimming. *Criminal Code* offences may include, but are not limited to:

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

15.8.13 Confidentiality

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

15.8.14 Retaliation

No person may engage in retaliation, intimidation or any other form of punishment against individuals who raise good faith concerns about an offence or who assist in an investigation. Retaliation may be grounds for a complaint under this Policy.

15.8.15 Timelines

If the circumstances of the 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.

Internal Review		Discipline Panel	
Day 0	Complaint received	Day 0	Complaint received
+ 5 days	ED determines process	+ 5 days	ED determines process
+ 5 days	DC appointed	+ 5 days	DC and CM appointed
+ 5 days	DC determines if frivolous or to proceed	+ 5 days	DC determines if frivolous or to proceed
+ 5 days	Notice that case is closed OR request for Respondent's response		DC determines recommended format – ADR/1 person or ADR/Discipline Pane;
+ 10 days	Respondent's response arrives	+ 5 days	CM distributes decision to parties
+ 5 days	DC renders decision and notifies parties	+ 5 days	Parties consent to ADR
35 days		+ 5 days	DC determines format for hearing the complaint (in person, by phone, etc.)
		+ 2 days	CM distributes format for hearing the complaint to parties
		within 30 days	Hearing is convened

	+ 14 days	DC provides CM with written decision, including rationale and sanctions
	+ 2 days	CM distributes notice of decision
	78 days	

15.8.16 Records and Distribution of Decisions

Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

16 APPEAL POLICY

16.1 Definitions

The following terms have these meanings in this Policy:

- a) **“Appellant”** – The Party appealing a decision
- b) **“Case Manager”** – The individual who implements procedures described in this *Appeal Policy*. The Case Manager does not need to be a member of, or affiliated with, BC Artistic Swimming. The Case Manager’s role is further described in BC Artistic Swimming’s *Case Manager Job Description*.
- c) **“Respondent”** – The body whose decision is being appealed
- d) **“Parties”** – The Appellant, Respondent, and any other Individuals affected by the appeal
- e) **“Days”** – Days including weekends and holidays
- f) **“Individuals”** – All categories of membership defined in BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, Directors and Officers of BC Artistic Swimming, spectators at events, and parents/guardians of athletes

16.2 Purpose

BC Artistic Swimming is committed to providing an environment in which all Individuals involved with BC Artistic Swimming are treated with respect and fairness. BC Artistic Swimming provides Individuals with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by BC Artistic Swimming. Further, some decisions made by the process outlined in BC Artistic Swimming’s *Discipline and Complaints Policy* may be appealed under this Policy.

16.3 Adult Representative

- 16.3.1 Appeals may be filed by an Individual who is a minor (younger than 19 years old). Minors must have a parent/guardian or other adult serve as their representative during this process
- 16.3.2 Communication from the Case Manager must be directed to the minor’s representative.
- 16.3.3 A minor is not required to attend an oral hearing, if held.

16.4 Scope and Application of this Policy

This Policy applies to all Individuals. Any Individual who is directly affected by a BC Artistic Swimming decision shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.

16.5 This Policy **will apply** to decisions relating to:

- a) Eligibility
- b) Selection
- c) Conflict of Interest

- d) Discipline
- e) Membership
- f) Athlete funding or carding selection

16.6 This Policy **will not apply** to decisions relating to:

- a) Employment
- b) Infractions for doping offenses
- c) The rules of the sport
- d) Selection criteria, quotas, policies, and procedures established by entities other than BC Artistic Swimming
- e) Substance, content and establishment of team selection criteria
- f) Volunteer/coach appointments and the withdrawal or termination of those appointments
- g) Budgeting and budget implementation
- h) BC Artistic Swimming's operational structure and committee appointments
- i) Decisions or discipline arising within the business, activities, or events organized by entities other than BC Artistic Swimming (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by BC Artistic Swimming at its sole discretion)
- j) Commercial matters for which another appeals process exists under a contract or applicable law
- k) Decisions made under this Policy

16.7 **Timing of Appeal**

Individuals who wish to appeal a decision have ten (10) days from the date on which they received notice of the decision to submit, in writing to BC Artistic Swimming, the following:

- a) Notice of the intention to appeal
- b) Contact information of the appellant
- 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 decision if written document is not available
- f) Grounds for the appeal
- g) Detailed reasons for the appeal
- h) All evidence that supports these grounds
- i) Requested remedy or remedies
- j) An administration fee of one hundred fifty dollars (\$150), which will be refunded if the appeal is upheld

16.8 An Individual who wishes to initiate an appeal beyond the ten (10) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the ten (10) day period will be at the sole discretion of the Case Manager and may not be appealed.

16.9 **Grounds for Appeal**

A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:

- 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)
 - d) Made a decision that was grossly unreasonable
- 16.10 The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.
- 16.11 **Screening of Appeal** - Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), BC Artistic Swimming and the Appellant may first determine the appeal to be heard under BC Artistic Swimming's *Dispute Resolution Policy*.
- 16.12 Appeals resolved by mediation under BC Artistic Swimming's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.
- 16.13 Should the appeal not be resolved by using the *Dispute Resolution Policy*, BC Artistic Swimming will appoint a Case Manager. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. The job description for the Case Manager is described in the *Case Manager Job Description*, which is an internal document provided to the Case Manager once appointed. Such appointment is not appealable.
- 16.14 The Case Manager has the following responsibilities:
- a) Determine if the appeal falls under the scope of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
- 16.15 If the appeal is denied 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. This decision may not be appealed.
- 16.16 If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

16.17 Procedure for Appeal Hearing

16.17.1 The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

16.17.2 If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

16.17.3 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, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a) The hearing will be held within a timeline determined by the Case Manager
- b) The Parties will be given reasonable notice of the day, time and place of the hearing
- c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- e) The Panel may request that any other individual participate and give evidence at the hearing
- f) The 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
- g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
- h) The decision to uphold or reject the appeal will be by a majority vote of Panel members

16.17.4 In fulfilling its duties, the Panel may obtain independent advice.

16.18 Appeal Decision

16.18.1 The Panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

- a) Reject the appeal and confirm the decision being appealed
- b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
- c) Uphold the appeal and vary the decision

- 16.18.2 The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and BC Artistic Swimming. In extraordinary circumstances, the 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 decided otherwise by the Panel.
- 16.19 Retaliation
No person may engage in retaliation, intimidation or any other form of punishment against and Individual who files an appeal. Retaliation may be grounds for a complaint under the *Discipline and Complaints Policy*.
- 16.20 Timelines
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 Case Manager and/or Panel may direct that these timelines be revised.
- 16.21 Confidentiality
The appeals process is confidential and involves only the Parties, the Case 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.
- 16.22 Records and Distribution of Decisions
Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
- 16.23 Final and Binding
No action or legal proceeding will be commenced against BC Artistic Swimming or Individuals in respect of a dispute, unless BC Artistic Swimming has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in BC Artistic Swimming's governing documents.

17 DISPUTE RESOLUTION POLICY

17.2 Definitions

The following term has this meaning in this Policy:

- a) **“Individuals”** – All categories of membership defined in BC Artistic Swimming’s Bylaws, as well as all individuals employed by, or engaged in activities with, BC Artistic Swimming including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of BC Artistic Swimming, spectators, and parents/guardians of athletes

17.3 Purpose

BC Artistic Swimming supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

- 17.4 BC Artistic Swimming encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. BC Artistic Swimming believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

17.5 Application of this Policy

- 17.5.1 This Policy applies to all Individuals.

- 17.5.2 Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute, per the *Discipline and Complaints Policy* or the *Appeal Policy*, when all parties to the dispute agree that such a course of action would be mutually beneficial.

17.6 Facilitation and Mediation

- 17.6.1 The dispute will first be referred to BC Artistic Swimming’s President (or designate) for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.

- 17.6.2 If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.

- 17.6.3 The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated, and shall specify a deadline before which the parties must reach a negotiated decision.

- 17.6.4 Should a negotiated decision be reached, the decision shall be reported to, and approved by, BC Artistic Swimming. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending BC Artistic Swimming's approval.
- 17.6.5 Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of the *Appeal Policy* or *Discipline and Complaints Policy*, as applicable.
- 17.7 Final and Binding
Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

18 CASE MANAGER JOB DESCRIPTION

18.2 Purpose

BC Artistic Swimming's policies may require the appointment of a Case Manager. This Job Description outlines the role, identity, and tasks of that individual.

18.3 Policies

The following Policies require the appointment of a Case Manager:

- a) *Discipline and Complaints*
- b) *Appeal*

18.4 Identity

18.4.1 The Case Manager appointed by BC Artistic Swimming should be experienced with handling disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with BC Artistic Swimming – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member, Director or participant and does not need to have a background in the sport.

18.4.2 The Case Manager's identity does not need to be approved by any of the parties involved in the dispute.

18.5 Discretion - Complaints

18.5.1 When a complaint is filed under the *Discipline and Complaints Policy* and handled under Process #2, the Case Manager is required to exercise his or her discretion to determine, among other things, if the complaint is frivolous or vexatious.

18.5.2 In making these determinations, the Case Manager should refer to BC Artistic Swimming's *Code of Conduct and Ethics* to decide the appropriateness of the complaint. The Case Manager should also consider the motivations of the complainant and if the complaint appears to be motivated by personal interest, bias, or a grudge against BC Artistic Swimming or the Respondent.

18.6 Discretion - Appeals

18.6.1 When an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether, among other things, if there are appropriate grounds for the appeal.

18.6.2 At this initial stage of the appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error in the process may have been made. The Case Manager will need to carefully consult BC Artistic Swimming's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

18.7 Discretion – Timeliness and Jurisdiction

18.7.1 When a complaint or an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether the policy has jurisdiction over the matter and whether the complaint or appeal has been filed within proper timelines and, if not, whether an extension should be granted.

18.7.2 When exercising discretion in this matter, the Case Manager should consider the scope of BC Artistic Swimming's authority and if BC Artistic Swimming is the correct organization to handle the issue. Further, when considering an extension to the listed deadline, the Case Manager should consider any extenuating circumstances that prohibited the submission of the complaint or appeal within the timelines, whether the timelines are reasonable, and if any party (or BC Artistic Swimming) will be adversely affected by the granting of an extension and/or if a granted extension will permit multiple additional complaints or appeals.

18.8 Hearing Format - Discretion

18.8.1 The Case Manager is required to exercise his or her discretion to determine the format of the hearing. Hearings typically take the following forms:

- a) In person
- b) Conference call
- c) Written submissions
- d) Conference call + written submissions

18.8.2 In determining the format of the hearing the Case Manager should consider:

- a) The distance between the parties
- b) The animosity between the parties
- c) The time commitment and location of the Panel
- d) The timelines for a decision
- e) The language barriers between the parties
- f) The gravity of the complaint/appeal

18.9 Panel Appointment

18.9.1 The Case Manager is required to appoint a Panel of one person or, in extraordinary circumstances, three people to decide the issue. The individual(s) should have the following characteristics:

- a) Experience in dispute resolution
- b) Experience with sport disputes
- c) No connection to either party
- d) Preferably no connection with BC Artistic Swimming
- e) Decisiveness

18.9.2 The Panel should consist of three individuals only when the complaint or appeal is especially contentious or complex, or if it has major life-changing effects on the parties.

18.9.3 The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy.

18.9.4 The Case Manager may assist the Panel in writing the decision but must not volunteer his or her opinion on the case.

18.10 Communication

18.10.1 Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager, or by the applicable policy, and the process must move forward even if a party misses a deadline with no reasonable explanation.

18.10.2 When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant or Appellant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.

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