

CODE OF CONDUCT AND ETHICS

* Indicates a section that has been adapted from the UCCMS

Definitions

1. The following terms have these meanings in this Code:
 - a) “*Maltreatment*” – as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”) and also provided in **Appendix A**
 - b) “*Power Imbalance*” – as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”) and also provided in **Appendix A**
 - c) “*SIRC Representative*” – Individuals employed by, or engaged in activities on behalf of, SIRC including: Directors, staff members, contract personnel, presenters, and volunteers.

Purpose

2. The purpose of this Code is to ensure a safe and positive environment within SIRC by making SIRC Representatives aware that there is an expectation, at all times, of appropriate behaviour consistent with SIRC’s core values (Trusted Advisor, Connections Builder, and Knowledge Creator) and this Code.

Application of this Code

3. A SIRC Representative found to have violated this Code or otherwise engaged in acts of violence or harassment will be subject to appropriate disciplinary to sanctions pursuant to SIRC’s *Discipline and Complaints Policy* and/or the *Employee Manual* (when applicable).
4. This Code applies to SIRC Representatives who are actively involved with SIRC’s services as well as to SIRC Representatives who are no longer actively involved with SIRC’s services when any claim regarding a potential breach of this Code occurred when the SIRC Representative was actively involved with SIRC’s services.

Maltreatment

5. *SIRC Representatives are responsible for knowing what constitutes Maltreatment. The categories of Maltreatment are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.
6. *Maltreatment can be any of the prohibited behaviours and conduct, provided the Maltreatment occurs in any one or a combination of the following situations:
 - a) Within a sport environment;
 - b) When the SIRC Representative alleged to have committed Maltreatment was engaging in sport activities;
 - c) When the SIRC Representative and the individual against whom the Maltreatment was alleged interacted due to their mutual involvement in sport; or
 - d) Outside of the sport environment where the Maltreatment has a serious and detrimental impact on an individual
7. *It is a violation of the Code for SIRC Representatives to place others in situations that make them vulnerable to Maltreatment.

Responsibilities

8. SIRC Representatives have a responsibility to:
Dignity and Self-Esteem
 - a) Maintain and enhance the dignity and self-esteem of others by:

- i. Demonstrating respect to all individuals regardless of body type, physical characteristics, athletic ability, gender, gender identity or expression, ancestry, colour, ethnic or racial origin, nationality, national origin, sexual orientation, age, marital status, religion, religious belief, political belief, disability, or economic status
- ii. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
- iii. Consistently treating other individuals fairly and reasonably

Harassment

- b) Refrain from any behaviour that constitutes **harassment**, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading, or malicious. Types of behaviour that constitute harassment include, but are not limited to:
- i. Written or verbal abuse, threats, or outbursts
 - ii. The display of visual material which is offensive or which one ought to know is offensive in the circumstances
 - iii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts
 - iv. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin
 - v. Leering or other suggestive or obscene gestures
 - vi. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
 - vii. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
 - viii. *Hazing* – which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability
 - ix. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
 - x. Deliberately excluding or socially isolating a person from a group or team
 - xi. Persistent sexual flirtations, advances, requests, or invitations
 - xii. Physical or sexual assault
 - xiii. Contributing to a *poisoned sport environment*, which can include:
 - a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
 - b. Groups where harassing behaviour is part of the normal course of activities
 - c. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance
 - xiv. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
 - xv. Retaliation or threats of retaliation against an individual who reports harassment to SIRC

Maltreatment

- c) *Refrain from any behaviour that constitutes Maltreatment

Appendix A – Definitions from the UCCMS

The following definitions of terms are from version 5.1 of the UCCMS:

- a) **Consent** – *Consent* is defined in Canada’s *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The *Criminal Code* also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else’s behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn’t take proper steps to check if there was consent.
- b) **Disclosure** - The sharing of information by a SIRC Representative regarding an incident or a pattern of Maltreatment experienced by that SIRC Representative. Disclosure does not constitute a formal report that initiates a process of investigation to address the Maltreatment
- c) **Maltreatment** – Includes Maltreatment related to:
 - i. **Psychological Maltreatment** – which includes, without limitation, verbal acts, non- assaultive physical acts and acts that deny attention or support
 - a. Verbal Acts - Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one’s identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person’s reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.
 - b. Non-assaultive Physical Acts (no physical contact) - Physically aggressive behaviours, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others
 - c. Acts that Deny Attention or Support - Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same
 - ii. **Physical Maltreatment** – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm
 - a. Contact behaviours - Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects
 - b. Non-contact behaviours - Including but not limited to: isolating a person in a confined space; providing illegal drugs or non-prescribed medications
 - iii. **Sexual Maltreatment** – includes, without limitation, any act targeting a person’s sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples include:
 - a. Any penetration of any part of a person’s body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - i. vaginal penetration by a penis, object, tongue, or finger; and

- ii. anal penetration by a penis, object, tongue, or finger
 - b. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - i. kissing;
 - ii. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
 - iii. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
 - iv. making another touch themselves, the SIRC Representative, or someone else with or on any of the body parts listed in ii).
 - v. any intentional touching in a sexualized manner of the relationship, context or situation
- iv. *Neglect* – or acts of omission, includes without limitation: not being aware of and not considering an individual's physical or intellectual disability; subjecting individuals to the risk of Maltreatment
- v. *Interference with or Manipulation of Process* – it is considered maltreatment if a SIRC Representative directly or indirectly interferes with a process by:
 - a. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - b. destroying or concealing information;
 - c. attempting to discourage an individual's proper participation in or use of the processes of SIRC;
 - d. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of SIRC;
 - e. publicly disclosing a SIRC Representative's identifying information, without the SIRC Representative's agreement;
 - f. failing to comply with any temporary or provisional measure or other final sanction;
 - g. distributing or otherwise publicizing materials a SIRC Representative gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
 - h. influencing or attempting to influence another person to interfere with or manipulate the process
- vi. *Retaliation* – which means that a SIRC Representative shall not take an adverse action against any person for making a good faith report of possible Maltreatment or for participating in any process related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of SIRC. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Maltreatment
- vii. *Aiding and Abetting* – which is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by a SIRC Representative. Aiding and Abetting also includes, without limitation, knowingly allowing any person to violate the terms of their suspension or any other sanctions imposed
- viii. *Reporting* – it is considered Maltreatment to fail to report Maltreatment of a SIRC Representative:
 - a. Failure to Report Inappropriate Conduct
 - i. Not all inappropriate conduct may meet the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behaviour with the risk of escalating to Maltreatment. Any SIRC Representative who suspects or becomes aware of another SIRC Representative's inappropriate conduct, even if it is not defined as Maltreatment, has a Duty to Report such inappropriate conduct through the organization's internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures. The person making the report does not need to determine whether a

violation took place: instead, the responsibility lies in reporting the objective behaviour.

- b. Intentionally Filing a False Allegation
 - i. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur
 - ii. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a violation
- d) **Neglect** – Any pattern or a single serious incident of lack of reasonable care, inattention to a SIRC Representative’s needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the SIRC Representative’s needs and requirements, not whether harm is intended or results from the behaviour. (Neglect is also a prohibited behaviour listed under the definition of Maltreatment)
- e) **Physical Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the SIRC Representative. Physical Maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Physical Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
- f) **Power Imbalance** – A Power Imbalance may exist where, based on the totality of the circumstances, a SIRC Representative has supervisory, evaluative, a duty of care, or other authority over another SIRC Representative. Maltreatment occurs when this power is misused. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
- g) **Psychological Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the SIRC Representative. Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Psychological Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
- h) **Reporting (or Report)** – The provision of information in writing by any person or a SIRC Representative to a relevant independent authority (the independent person or position, such as a Case Manager, charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent
- i) **Sexual Maltreatment**
 - i. **Involving a person over the Age of Majority:** Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a SIRC Representative without the SIRC Representative’s Consent. It includes any act targeting a SIRC Representative’s sexuality, gender identity or expression, that is committed, threatened or attempted against a SIRC Representative without that SIRC Representative’s Consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Maltreatment can take place through any form or means of communication (e.g., online, social media, verbal, written, visual, hazing, or through a third party). (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)