



## Safe Sport Policy Suite – April 14, 2021 Update

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BC Diving has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Provincial diving community.

BC Diving takes any situation involving misconduct or maltreatment very seriously. For this reason, BC Diving is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

These policies are intended to promote a Safe Sport environment in a manner that allows for consistent immediate, appropriate and meaningful action should any issues arise, and also to prevent issues from arising in the first place by communicating expected standards of behaviour.

This Safe Sport Manual applies to BC Diving, its Members and all individuals affiliated or involved with BC Diving. Should any individuals involved with BC Diving and its Members, including but not limited to athletes, coaches, officials, volunteers, and parents/guardians of athletes, wish to report any instance of misconduct or maltreatment, they must do so by communicating directly with BC Diving's Independent Third Party Officer, who will then determine the appropriate forum and manner in which to address the complaint. Breaching the conduct standards described in the Safe Sport Manual can cause significant sanctions up to and including permanent ineligibility from participation.



BC Diving also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Since the UCCMS may continue to evolve in the foreseeable future, this Safe Sport Policy Manual incorporates the key elements of version 5.1 of the UCCMS.

BC Diving also recognizes and adopts the language of viaSport's British Columbia Universal Code of Conduct (BC UCC). The BC UCC can be found [here](#) and is also attached as Appendix A to this Policy.

## DEFINITIONS

**"Abuse"** – Any type of abuse as described in BC Diving's Abuse Policy

**"Affected Party"** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right

**"Appeal Manager"** – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*

**"Appellant"** – The Party appealing a decision

**"Complainant"** – A Participant or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Conduct Policy*.

**"Discrimination"** – Differential treatment of an individual based on one or more prohibited grounds, as described in applicable human rights legislation, which may include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.

**"Harassment"** – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

- a) Written or verbal abuse, threats, or outbursts;
- b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
- c) 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;
- d) Leering or other suggestive or obscene gestures;
- e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- f) Practical jokes which endanger a person's safety, or may negatively affect performance;
- g) 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;

- h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- i) Deliberately excluding or socially isolating a person from a group or team;
- j) Persistent sexual flirtations, advances, requests, or invitations;
- k) Physical or sexual assault;
- l) Contributing to a poisoned sport environment, which can include:
  - i. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
  - ii. Groups where harassing behaviour is part of the normal course of activities
  - iii. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance
- m) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- n) Retaliation or threats of retaliation against a person who reports harassment to BC Diving.

**“Independent Third Party Officer”** - An independent individual (or individuals) appointed by BC Diving to receive and administer complaints under the *Conduct Policy*

**“Maltreatment”** – A volitional act by an individual that results in harm or the potential for physical or psychological harm to another individual, and includes any of the following behaviours or conduct:

- i. Psychological Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
  - a. Verbal Acts: verbally assaulting or attacking an individual, including but not limited to unwarranted personal criticisms; body shaming; derogatory comments related to an individual's identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, or ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about an individual to diminish their 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 an individual repeatedly or for an extended period of time; abandonment of an Athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

- ii. **Physical Maltreatment:** any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
  - a. **Contact behaviours:** including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.
  - b. **Non-contact behaviours:** including but not limited to isolating an individual in a confined space; forcing an individual to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an individual; encouraging or knowingly permitting an Athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an athlete to perform a skill for which they are known to not be developmentally ready.
- iii. **Sexual Maltreatment,** including, but not limited to, any act targeting an individual's sexuality, gender identity or expression, that is committed, threatened or attempted against that person, and includes but is not limited to the Criminal Code offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples of Sexual Maltreatment include, but are not limited to:
  - 1. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
    - 1. vaginal penetration by a penis, object, tongue, or finger; and
    - 2. anal penetration by a penis, object, tongue, or finger.
  - 2. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
    - 1. kissing;
    - 2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
    - 3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
    - 4. making a person touch themselves or someone else with or on any of the body parts listed in 2); and
    - 5. any intentional touching in a sexualized manner.
- iv. **Neglect:** any pattern or a single serious incident of lack of reasonable care, inattention to an individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with

- consideration given to the individual's needs and requirements, not whether harm is intended or results from the behaviour. Neglect, or acts of omission, include without limitation, not providing an athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods; disregarding the use of prohibited substances by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport rules, regulations, and standards, or subjecting individuals to the risk of Maltreatment.
- v. Grooming: includes, without limitation, deliberate conduct by an individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).
- vi. Interference with or manipulation of process
- a. An adult Participant violates the *Conduct Policy with Disciplinary Procedures* by directly or indirectly interfering with a process instituted pursuant to that Policy or any other policy by:
1. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
  2. destroying or concealing information;
  3. attempting to discourage an individual's proper participation in or use of BC Diving's processes;
  4. harassing or intimidating (verbally or physically) any person involved in BC Diving's processes before, during, and/or following any proceedings;
  5. publicly disclosing an individual's identifying information, without the individual's agreement;
  6. failing to comply with any temporary or provisional measure or other final sanction;
  7. distributing or otherwise publicizing materials an individual gains access to during any investigation or hearing, except as required by law or as expressly permitted; or
  8. influencing or attempting to influence another individual to interfere with or manipulate the process.
- vii. Retaliation: An individual shall not take an adverse action against any other individual for making a good faith report of possible Maltreatment or for participating in any process found in a policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in BC Diving's processes. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even

where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of possible Maltreatment.

- viii. Aiding and Abetting:
  - a. Any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by a Participant. Aiding and Abetting also includes, without limitation, knowingly:
    - 1. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct individuals;
    - 2. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
    - 3. allowing any individual to violate the terms of their suspension or any other sanctions imposed.
- ix. Failure by an adult individual to report actual or suspected Maltreatment of a Minor. This obligation is ongoing and is not satisfied by making an initial report; instead, this obligation includes reporting to BC Diving, on a timely basis, all relevant information that the adult participant is or becomes aware of, and requires making a direct report to BC Diving. Any report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date.
- x. Failure to report inappropriate conduct: Any individual who suspects or becomes aware of another individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to report such inappropriate conduct to BC Diving. Individuals in positions of trust and authority who become aware of another individual's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures.
- xi. Intentionally filing a false allegation. An allegation is false if the events or conduct reported did not occur and the individual making the report knows that the events or conduct did not occur. An individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.

**“Members”** – Diving clubs and persons (Athletes, Coaches, Officials and Individuals) that are described in Part 3 of BC Diving's By-Laws.

**“Minor”** – Any individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a minor. For the purpose of protection in each Canadian province and territory, the age of a child is defined as follows:

- i. 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
- ii. 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
- iii. 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon

**“Participant”** – a Registrant, as well as a BC Diving director, officer, team manager, team medical personnel, staff, contractor and any other individual who participates in BC Diving programs, activities and events, including a parent/guardian of any athlete.

**“Person in Authority”** – An individual who holds a position of authority within BC Diving, or any of its Members, including, but not limited to, coaches, managers, support personnel, chaperones, and Directors.

**“Registrant”** – Any individual who is engaged in activities that are provided, sponsored, supported, sanctioned or recognized by BC Diving or its Members. Registrants include, but are not limited to, recreational and competitive divers, members of the BC Provincial team, coaches, officials, administrators and volunteers who serve on executives, committees and the Board of Directors of BC Diving.

**“Respondent”** – The Participant responding to a complaint or, in the case of an appeal, the body whose decision is being appealed.

**“Social Media”** – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.

**“Vulnerable Individuals”** – Includes Children / Youth (people under the age of 19 years old) and Vulnerable Adults (people who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority).

**“Workplace”** - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, BC Diving’s office, work-related social functions, work assignments outside BC Diving’s offices, work-related travel, swimming pools, training facilities and work-related conferences or training sessions.

**“Workplace Harassment”** – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:

- a) Workplace pranks, vandalism, bullying or hazing;
- b) Repeated offensive or intimidating phone calls or emails;
- c) Inappropriate sexual touching, advances, suggestions or requests;
- d) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- e) Psychological abuse;
- f) Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings;
- g) Deliberately withholding information that would enable a person to do his or her job, perform or train;
- h) Sabotaging someone else’s work or performance;
- i) Gossiping or spreading malicious rumours;
- j) Intimidating words or conduct (offensive jokes or innuendos); and



- k) Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.

**“Workplace Violence”** – The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:

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

## CONDUCT POLICY WITH DISCIPLINARY PROCEDURES

BC Diving is committed to providing a sport environment that reflects its values of community, personal development, sportsmanship and excellence. Registration in BC Diving and participation in its activities brings many benefits and privileges that are balanced by responsibilities and obligations.

This Policy defines the parameters for these responsibilities and obligations and identifies a required standard for behaviour that is expected of all Registrants and Participants. This Policy also identifies procedures to be followed when this standard is not achieved.

Compliance with this Policy depends primarily upon understanding and voluntary compliance; secondarily upon reinforcement by peers and others; and, when necessary, upon enforcement through disciplinary proceedings.

### 1. Application of this Policy

- 1.1. This Policy applies to the conduct of Participants while engaged in programs, activities and events convened under the jurisdiction of BC Diving.
- 1.2. This Policy applies to the conduct of Participants outside of the programs, activities, and events convened under the jurisdiction of BC Diving when such conduct may adversely affect the relationships (or the work or sport environment) of BC Diving or a diving club, or when the conduct may be detrimental to the image or reputation of BC Diving or a diving club.
- 1.3. BC Diving encourages diving clubs to adopt policies consistent with this Policy, so that they may establish standards and procedures to govern conduct within their own jurisdiction.
- 1.4. Notwithstanding Section 1.2, any diving club may request that BC Diving consider applying this policy to a provincial or local matter that would otherwise be outside the jurisdiction of BC Diving. Upon receipt of such request or in such other circumstances as BC Diving, in its sole discretion, considers necessary and appropriate, BC Diving may intervene in any matter which it deems to be of provincial or sport-wide importance, detrimental to the sport of diving in British Columbia or the reputation of BC Diving, or harmful to the physical, mental or emotional health and safety of Participants. Upon making such determination, BC Diving shall be entitled to undertake such investigation of the surrounding circumstances as BC Diving, in its sole discretion, deems necessary or advisable, per the *Investigations Policy*. After reviewing the results of any such investigation or upon receipt of the request, BC Diving shall have the right, but not the obligation, to make a complaint which shall be governed by the terms of this Policy. Any decisions made by BC Diving pursuant to this section are within BC Diving's sole discretion and are not appealable.
- 1.5. This *Conduct Policy* applies to individuals active in the sport or who have retired from the sport where any claim regarding a potential breach of this Policy occurred when the individual was active in the sport.

- 1.6. This *Conduct Policy*, and the process for dealing with complaints of minor and major infractions established hereunder, shall apply to all complaints which have not previously been resolved pursuant to this Policy, regardless of whether such complaints relate to alleged infractions which took place before or after the date on which this Policy became effective.
- 1.7. In addition to being subject to disciplinary action pursuant to this *Conduct Policy*, an employee who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

## 2. Expected Standard of Conduct

### 2.1. All Participants will:

- 2.1.1. Demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct;
- 2.1.2. Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators;
- 2.1.3. Not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of BC Diving<sup>1</sup>;
- 2.1.4. Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Abuse, Maltreatment, Workplace Violence, or Discrimination (all of which are defined in the **Definitions**);
- 2.1.5. Treat each other with the highest standards of respect and integrity;
- 2.1.6. Avoid public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;
- 2.1.7. Act, when appropriate, to correct or prevent practices that are unjustly discriminatory;
- 2.1.8. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, BC Diving adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Policy and may be subject to further disciplinary action, and possible sanction, pursuant to this Policy;

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<sup>1</sup> For the purposes of this policy, conflict of interest is defined as *"a situation where a Participant, or the entity with which he or she is affiliated, as a real or perceived competing interest with BC Diving's activities. This competing interest may result in the Participant, or the entity with which the Participant is affiliated, being in a position to benefit from the situation or in BC Diving not being able to achieve a result which would be in the best interest of BC Diving."*

BC Diving recognizes that some situations may present conflicts that are not materially harmful. As a result, BC Diving's Board of Directors or Senior Staff, as appropriate, will address such situations on a case-by-case basis. All Participants are responsible to self-report to BC Diving all instances of real or perceived conflict, so that a determination can be made as to whether the particular instance is in fact harmful to BC Diving or its Participants, and therefore prohibited.

- 2.1.9. 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 and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES);
  - 2.1.10. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
  - 2.1.11. Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in BC Diving's programs, activities, competitions, or events;
  - 2.1.12. In the case of minors, not consume alcohol at any competition or event;
  - 2.1.13. In the case of adults, avoid consuming alcohol or cannabis in competitions and in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with BC Diving's events;
  - 2.1.14. Respect the property of others and not wilfully cause damage;
  - 2.1.15. Promote the sport in the most constructive and positive manner possible;
  - 2.1.16. When driving a vehicle with a Participant:
    - 2.1.16.1. Not have his or her license suspended;
    - 2.1.16.2. Not be under the influence of alcohol or illegal drugs or substances; and
    - 2.1.16.3. Have valid car insurance
  - 2.1.17. Adhere to all federal, provincial, municipal and host country laws;
  - 2.1.18. Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition;
  - 2.1.19. Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an individual to BC Diving including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method; and
  - 2.1.20. Comply at all times with the by-laws, policies, and rules and regulations of BC Diving and FINA, as adopted and amended from time to time, including complying with any contracts or agreements executed with or by BC Diving.
- 2.2. Coaches will:
- 2.2.1. Consistently display high personal and professional standards and project a positive image of the sport and of coaching;
  - 2.2.2. Provide an effective and safe training environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes;
  - 2.2.3. Actively assist in sustaining the present and future health of athletes by communicating and cooperating with registered medical practitioners in the diagnosis, treatment and management of injuries and other associated health or fitness problems;
  - 2.2.4. Educate athletes about the dangers of drugs and performance-enhancing substances;

- 2.2.5. Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol and/or tobacco;
  - 2.2.6. Accept and promote athletes' personal goals and, as need and opportunity arises, refer athletes to other coaches and sports specialists;
  - 2.2.7. In the case of minors, communicate and cooperate with the parents/guardians of athletes and involve them to an appropriate degree in decisions pertaining to the athlete's development;
  - 2.2.8. Comply with BC Diving's policies and with BC Diving and FINA rules and regulations; and
  - 2.2.9. Avoid any behaviour that abuses the power imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an athlete that he or she is coaching, or (ii) encourage inappropriate physical or emotional intimacy with an athlete, regardless of the athlete's age.
- 2.3. Athletes who have been selected to a BC Diving team will:
- 2.3.1. Report any health or fitness related problems in a timely fashion, where such problems may limit the athlete's ability to travel, train, compete or, in the case of carded athletes, interfere with the athlete's ability to fulfill requirements under the Athlete Assistance Program;
  - 2.3.2. Participate in all competitions, events, activities or projects to which the athlete has made a commitment;
  - 2.3.3. Adhere to BC Diving and FINA rules; and
  - 2.3.4. Act in accordance with BC Diving's policies and procedures and, when applicable, additional rules as outlined by coaches or managers.
- 2.4. Officials will:
- 2.4.1. Conduct all events according to the rules of BC Diving and FINA, with the integrity of the sport and each athlete's performance in mind;
  - 2.4.2. Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;
  - 2.4.3. Respect the confidentiality required by issues of a sensitive nature, which may include defaults, forfeits, discipline processes, appeals, and specific information or data about Participants; and
  - 2.4.4. Not publicly criticize other officials or any club or association;
- 2.5. Directors, Committee Members, and Staff will:
- 2.5.1. Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of BC Diving's business;
  - 2.5.2. Ensure that BC Diving's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
  - 2.5.3. Conduct themselves openly, professionally, lawfully and in good faith in the best interests of BC Diving;
  - 2.5.4. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism;

- 2.5.5. Keep informed about BC Diving's activities, the diving and overall sport community, and general trends in the sectors in which they operate;
  - 2.5.6. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which BC Diving is incorporated;
  - 2.5.7. Respect the confidentiality appropriate to issues of a sensitive nature;
  - 2.5.8. Respect the decisions of the majority and resign if unable to do so;
  - 2.5.9. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings;
  - 2.5.10. Have a thorough knowledge and understanding of all BC Diving governance documents; and
  - 2.5.11. Comply at all times with the bylaws, policies, and rules and regulations of BC Diving and FINA, including complying with contracts or agreements executed with or by BC Diving.
- 2.6. Parents/guardians and spectators will:
- 2.6.1. Encourage athletes to compete within the rules;
  - 2.6.2. Respect the decisions and judgments of officials, and encourage athletes to do the same;
  - 2.6.3. Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm; and
  - 2.6.4. Respect and show appreciation to all competitors, coaches, officials and volunteers.
- 2.7. Diving clubs will:
- 3.7.1 Adhere to all of BC Diving's governing documents and, where necessary, amend their own rules to comply or align with those of BC Diving;
  - 3.7.2 Recognize that their websites, blogs and social media accounts may be seen as extensions of BC Diving and must reflect BC Diving's mission, vision and values;
  - 3.7.3 Ensure that all athletes and coaches participating in sanctioned competitions and events of BC Diving are registered and in good standing;
  - 3.7.4 Have well-defined hiring practices and standards in place including interviews, reference checks, and screening procedures to ensure athletes have a healthy and safe sport environment;
  - 3.7.5 Ensure that any possible or actual misconduct is investigated promptly and thoroughly;
  - 3.7.6 Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender;
  - 3.7.7 Advise BC Diving immediately of any situation where a complainant has publicized a complaint in the media; and
  - 3.7.8 Per the *Reciprocation Policy*, provide BC Diving with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals.

### **3. Types of Infractions**

- 3.1. Failure by a Participant to adhere to the expected standards of conduct set out above may result in an infraction and the imposition of discipline. Infractions are divided into two types,

minor infractions and major infractions, which are dealt with using different procedures.

- 3.2. Minor infractions are incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others. Examples of minor infractions include, but are not limited to
  - 3.2.1. Single instances of disrespectful comments or behaviour directed towards others;
  - 3.2.2. Single instances of unsportsmanlike conduct;
  - 3.2.3. Being late for or absent from BC Diving events and activities at which attendance is expected or required; or
  - 3.2.4. Single instances of non-compliance with the policies and rules of BC Diving or FINA.
- 3.3. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the Participant involved. This person may include, but is not restricted to, a coach, meet or event official, team manager, Director, or senior staff member.
- 3.4. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to BC Diving or to the sport of diving. Examples of major infractions include, but are not limited to:
  - 3.4.1. Repeated minor infractions;
  - 3.4.2. Activities or behaviours that interfere with a competition or with any athlete or coach's preparation for a competition;
  - 3.4.3. Pranks, jokes or other activities that endanger the safety of others;
  - 3.4.4. Disregard for the policies and rules of BC Diving or FINA;
  - 3.4.5. Conduct that intentionally damages the image, credibility or reputation of BC Diving, including entering into a conflict of interest;
  - 3.4.6. Behaviour that constitutes Harassment, Maltreatment, Workplace Harassment, Abuse, Workplace Violence, or Discrimination; and
  - 3.4.7. Abusive use of alcohol/cannabis, any use of alcohol by minors, use of illicit drugs and narcotics, or use of banned performance-enhancing drugs or methods, other than for medical conditions.
- 3.5. It is a major infraction for any Individual who holds a position in authority with BC Diving to place an individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing an athlete and a coach to share a hotel room when traveling, hiring a coach who is known to have a past history of Maltreatment, assigning other support staff to an athlete when the support staff has a history of Maltreatment, or assigning such support staff to an athlete in the absence of consultation with the athlete.
- 3.6. Major infractions will be reviewed and dealt with in accordance with the disciplinary procedures set out in this Policy. BC Diving, with input from the Independent Third Party Officer, may determine an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Committee.
- 3.7. Major infractions that occur within competition may be dealt with immediately by the appropriate person having authority, such as an official, coach, team manager, or senior staff

person. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter using the disciplinary procedures set out in this Policy.

#### **4. Reporting an Infraction**

- 4.1. Any individual may make a complaint or report an infraction to an “Official” or to BC Diving’s Independent Third Party Officer. Such complaint should be in writing and made in a timely manner. For the purposes of this Section, an “Official” is any person in a responsible staff or volunteer position within BC Diving.

BC Diving’s Independent Third Party Officer contact information can be found on BC Diving’s website at [www.bcdiving.ca](http://www.bcdiving.ca).

- 4.2. Upon receiving a complaint, the Official will provide it immediately to the Independent Third Party Officer.
- 4.3. Upon receiving a complaint, the Independent Third Party Officer will review the complaint and may:
- 4.3.1. Dismiss the complaint if they consider it to be trivial, vexatious or untimely;
  - 4.3.2. Determine that the complaint does not fall within the jurisdiction of this policy, and refer it to the appropriate body having jurisdiction;
  - 4.3.3. Direct the matter to be dealt with through facilitation or mediation (per the *Dispute Resolution Policy*);
  - 4.3.4. Find that there are possible instances of offence under the Criminal Code, particularly related to, but not limited to, Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, and if so, the Independent Third Party Officer shall advise the complainant to refer the matter to police or will do so themselves if required by law;
  - 4.3.5. Direct that the complaint be dealt with informally as a minor infraction by a decision-maker at BC Diving;
  - 4.3.6. Determine that the complaint should be investigated (per the *Investigations Policy*); and/or
  - 4.3.7. Refer the matter to the Discipline Committee, described in Section 5, to be established pursuant to Section 6 hereof.

#### **5. Disciplinary Procedures**

- 5.1. Upon referral of a major infraction to a Discipline Committee pursuant to subsection 4.3.6 hereof, the Independent Third Party Officer will appoint a Case Manager to manage the complaint. The Independent Third Party may act as the Case Manager.
- 5.2. The Case Manager will appoint a Discipline Committee as follows:
- 5.2.1. The Discipline Committee shall be an independent tribunal comprised of one to three persons appointed by the Independent Third Party Officer, established solely for the purpose of adjudicating the major infractions brought before it



pursuant to this Policy.

- 5.3. The Case Manager shall have overall responsibility to ensure procedural fairness is respected at all times during the disciplinary process, and to carry out this process in a timely manner.
- 5.4. The Case Manager will determine the format of the disciplinary process, which may involve written submissions, an oral hearing in person, an oral hearing by telephone or video conference, a hearing based on written submissions or a combination of these methods.
- 5.5. The Complainant and Respondent:
  - 5.5.1. will be given reasonable notice of the format, as well as (in the case of an oral hearing in person or oral hearing by telephone) day, time and place of the hearing;
  - 5.5.2. will receive a copy of the Investigation Report (or a summary of the report) if an investigation was carried out;
  - 5.5.3. may be accompanied by a representative; and
  - 5.5.4. will have the right to present evidence and argument before the Discipline Committee.
- 5.6. After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be. The Discipline Committee will issue a written decision, including reasons, for distribution by the Case Manager to the Respondent, the Complainant and BC Diving's Executive Director. The decision will also be distributed to the applicable clubs and considered a public record, unless determined otherwise by the Discipline Committee.
- 5.7. In fulfilling its duties, and with the approval of BC Diving's Executive Director prior to any costs being incurred, the Case Manager and Discipline Committee may obtain independent advice.

## **6. Disciplinary Sanctions**

- 6.1 Prior to determining sanctions, the Discipline Committee (for major infractions) or a BC Diving decision-maker (for minor infractions), as applicable, will consider factors relevant to determining appropriate sanctions which include:
  - a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance or the Respondent is a Person in Authority;
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - c) The ages of the individuals involved;
  - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process;
  - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;

- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this Policy; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is a Person in Authority or otherwise in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances

6.2 Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

6.3 The Discipline Committee (for major infractions) or BC Diving decision-maker (for minor infractions), as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Conduct Policy* and that more severe sanctions will result should the Participant be involved in other violations
- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Conduct Policy*
- c) **Probation** - Should any further violations of the *Conduct Policy* occur during the probationary period, will result in additional disciplinary measures, likely including a period of Suspension or Permanent Ineligibility from BC Diving activities and events. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of BC Diving. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of BC Diving
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

- 6.4 The above sanctions are representative penalties only, that they may be modified to fit the circumstances of the infraction, and that they are presented generally in order of severity.
- 6.5 Unless the Discipline Committee decides otherwise, any disciplinary sanctions (such as a period of ineligibility) will begin immediately and timelines will be provided for fulfillment of other sanctions (such as a written apology), notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Committee will result in an automatic suspension until such time as compliance occurs.
- 6.6 Records of all decisions will be maintained by BC Diving.

## **7. Criminal Convictions**

- 7.1 A Participant's conviction, at any time, for any of the following *Criminal Code* offenses shall carry a presumptive sanction of permanent ineligibility from participating with BC Diving and expulsion:
- 7.1.1. Any offense involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List;
  - 7.1.2. Any offense involving child pornography;
  - 7.1.3. Any sexual offence involving a Minor;
  - 7.1.4. Any offence of assault involving a Minor; or
  - 7.1.5. Any offence of physical or psychological violence involving a Minor.
- 7.2 A Participant's conviction, at any time, for any of the following *Criminal Code* offenses may be deemed an infraction under this policy as determined by the board of directors and may result in immediate expulsion from BC Diving:
- 7.2.1. Any sexual offense other than involving a Minor;
  - 7.2.2. Any theft or fraud offence
  - 7.2.3. Any offence of assault other than involving a Minor; or
  - 7.2.4. Any offence of physical or psychological violence other than involving a Minor.

## **8. Appeals**

- 8.1 All appeals of decisions made in accordance with this Policy are subject to appeal pursuant to BC Diving's *Appeal Policy*.

## ABUSE POLICY

### 1. Purpose

- 1.1. BC Diving is committed to a sport environment free from abuse. The purpose of this Policy is to stress the importance of that commitment by educating Participants about abuse, outlining how BC Diving will work to prevent abuse, and how abuse or suspected abuse can be reported to and addressed by BC Diving.

### 2. Obligation to Report

- 2.1. BC Diving has zero tolerance for any type of abuse. Participants are required to report instances of abuse or suspected abuse to BC Diving to be immediately addressed under the terms of the applicable policy.

### 3. Types of Abuse - *Vulnerable Individuals can be abused in different forms.*

- 3.1. **“Child abuse”** - The following description of Child / Youth Abuse has been modified and adapted from Ecclesiastical Guidelines for Developing a Safety & Protection Policy for Children/Youth/Vulnerable Adults<sup>1</sup>:

- 3.1.1. “Child abuse” refers to the violence, maltreatment or neglect that a child or adolescent may experience while in the care of someone they depend on or trust. There are many different forms of abuse and a child may be subjected to more than one form:
  - 3.1.1.1. **Physical abuse** involves single or repeated instances of deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon. It also includes holding a child under water, or any other dangerous or harmful use of force or restraint.
  - 3.1.1.2. **Sexual abuse** and exploitation involves using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.
  - 3.1.1.3. **Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and wellbeing. For example, neglect includes failing to provide a dependent child with food, clothing, shelter, cleanliness, medical care, or protection from harm.
  - 3.1.1.4. **Emotional abuse** involves harming a child’s sense of self-worth. It includes acts (or omissions) that result in, or place a child at risk of, behavioural, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes exposing the child to violence.

- 3.1.2. An abuser may use a number of different tactics to gain access to children, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. The abuse may happen once or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.
- 3.1.3. Abuse of children or youth in sport can include emotional maltreatment, neglect, and physical maltreatment:
- 3.1.3.1. **Emotional Maltreatment** - Failure to provide a developmentally-appropriate and supportive environment. Emotional abuse is at the foundation of all other forms of maltreatment (sexual, physical and neglect). In sports, this conduct has the potential to cause emotional or psychological harm to an athlete when it is persistent, pervasive or patterned acts (i.e., yelling at an athlete once does not constitute maltreatment). Examples of emotional maltreatment include:
- 3.1.3.1.1. Refusal to recognize an athlete's worth or the legitimacy of an athlete's needs (including complaints of injury/pain, thirst or feeling unwell)
- 3.1.3.1.2. Creating a culture of fear, or threatening, bullying or frightening an athlete
- 3.1.3.1.3. Verbally attacking, name-calling or sarcasm that continually "beats down" an athlete's self-esteem (e.g., belittling them or calling them worthless, lazy, useless, fat or disgusting);
- 3.1.3.1.4. Embarrassing or humiliating an athlete
- 3.1.3.1.5. Excluding or isolating an athlete from the group or from activity
- 3.1.3.1.6. Encouraging an athlete to engage in destructive and antisocial behaviour, reinforcing deviance, or impairing an athlete's ability to behave in socially appropriate ways
- 3.1.3.1.7. Over-pressuring, whereby extreme pressure is imposed upon the athlete to behave and achieve in ways that are far beyond the athlete's capabilities
- 3.1.3.2. **Neglect** - acts of omission (i.e., the Person in Authority should act to protect health/well-being of an athlete but does not). Examples of neglect include:
- 3.1.3.2.1. Isolating an athlete in a confined space or stranded on equipment, with no supervision, for an extended period of time
- 3.1.3.2.2. Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep
- 3.1.3.2.3. Ignoring an injury
- 3.1.3.2.4. Knowing about abuse of an athlete, but failing to report it
- 3.1.3.3. **Physical Maltreatment** - involves contact or non-contact behaviour that can cause physical harm to an athlete. It also includes any act or conduct described as physical abuse or misconduct (e.g., child abuse, child neglect and assault). Almost all sport involves strenuous physical activity. Athletes regularly push themselves to the point of exhaustion. However, any

activity that physically harms an athlete—such as extreme disciplinary actions or punishment—is unacceptable. Physical maltreatment can extend to seemingly unrelated areas including inadequate recovery times for injuries and restricted diet. Examples of physical maltreatment include:

- 3.1.3.3.1. Punching, beating, biting, striking, choking or slapping an athlete
- 3.1.3.3.2. Intentionally hitting an athlete with objects or sporting equipment
- 3.1.3.3.3. Providing alcohol/cannabis to an athlete
- 3.1.3.3.4. Providing illegal drugs or non-prescribed medications to any athlete
- 3.1.3.3.5. Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury (e.g., a concussion)
- 3.1.3.3.6. Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of an athlete
- 3.1.3.3.7. Inappropriate use of training activity or excessive repetition of a skill to the point of injury
- 3.1.3.3.8. Using excessive exercise as punishment (e.g., stretching to the point of causing the athlete to cry, endurance conditioning until the athlete vomits)
- 3.1.3.4. **Grooming** - a slow gradual and escalating process of building comfort and trust with an athlete and/or their parent/guardian that is often very difficult to recognize. The process allows for inappropriate conduct to become normalized. It is often preceded by building confidence and comfort that an individual can be trusted with the care of the athlete. Examples of grooming include:
  - 3.1.3.4.1. Nudity or exposure of genitals in the presence of an athlete
  - 3.1.3.4.2. Sexually oriented conversation or discussions about personal sexual activities
  - 3.1.3.4.3. Excessive discussions about a Person in Authority's personal life (i.e., family, work, medical challenges)
  - 3.1.3.4.4. Spending time with an individual athlete and/or their family outside of team activities
  - 3.1.3.4.5. Excessive gift-giving to an individual athlete
  - 3.1.3.4.6. Socially isolating an athlete
  - 3.1.3.4.7. Restricting an athlete's privacy
  - 3.1.3.4.8. Providing drugs, alcohol or tobacco to an athlete
  - 3.1.3.4.9. Becoming overly-involved in an athlete's personal life
  - 3.1.3.4.10. Making sexual or discriminatory jokes or comments to an athlete
  - 3.1.3.4.11. Displaying material of a sexual nature in the presence of an athlete
  - 3.1.3.4.12. Mocking or threatening an athlete
  - 3.1.3.4.13. Putting the Person in Authority's needs above needs of an athlete and/or going to an athlete to have the Person in Authority's needs

- 3.1.4. Importantly, emotional and physical maltreatment does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.
- 3.1.5. Potential warning signs of abuse of children or youth can include:
  - 3.1.5.1. Recurrent unexplained injuries
  - 3.1.5.2. Alert behaviour; child seems to always be expecting something bad to happen
  - 3.1.5.3. Often wears clothing that covers up their skin, even in warm weather
  - 3.1.5.4. Child startles easily, shies away from touch or shows other skittish behaviour
  - 3.1.5.5. Constantly seems fearful or anxious about doing something wrong
  - 3.1.5.6. Withdrawn from peers and adults
  - 3.1.5.7. Behavior fluctuates between extremes (i.e., extremely cooperative or extremely demanding)
  - 3.1.5.8. Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
  - 3.1.5.9. Acting out in an inappropriate sexual way with toys or objects
  - 3.1.5.10. New adult words for body parts and no obvious source
  - 3.1.5.11. Self-harm (cutting, burning or other harmful activities)
  - 3.1.5.12. Not wanting to be alone with a particular child or young person

### 3.2. Vulnerable Adult Abuse

Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age, or old age – the nature and consequences of abuse may differ depending on an individual’s situation, disability, or circumstance.

- 3.2.1. The following description of Vulnerable Adult Abuse has been modified and adapted from Ecclesiastical Guidelines for Developing a Safety & Protection Policy for Children/Youth/Vulnerable Adults<sup>1</sup>.
- 3.2.2. Abuse of vulnerable adults is often described as a misuse of power and a violation of trust. Abusers may use a number of different tactics to exert power and control over their victims. Abuse may happen once or it may occur in a repeated and escalating pattern over months or years. The abuse may take many different forms, which may change over time:
  - 3.2.2.1. **Psychological abuse** includes attempts to dehumanize or intimidate vulnerable adults. Any verbal or non-verbal act that reduces their sense of self-worth or dignity and threatens their psychological and emotional integrity is abuse. This type of abuse may include, for example
    - 3.2.2.1.1. Threatening to use violence
    - 3.2.2.1.2. Threatening to abandon them
    - 3.2.2.1.3. Intentionally frightening them

- 3.2.2.1.4. Making them fear that they will not receive the food or care they need
  - 3.2.2.1.5. Lying to them
  - 3.2.2.1.6. Failing to check allegations of abuse against them
  - 3.2.2.2. **Financial abuse** encompasses financial manipulation or exploitation, including theft, fraud, forgery, or extortion. It includes using a vulnerable adult's money or property in a dishonest manner, or failing to use a vulnerable adult's assets for their welfare. Abuse occurs any time someone acts without consent in a way that financially or personally benefits one person at the expense of another. This type of abuse against a vulnerable adult may include, for example:
    - 3.2.2.2.1. Stealing their money, disability cheques, or other possessions
    - 3.2.2.2.2. Wrongfully using a Power of Attorney
    - 3.2.2.2.3. Failing to pay back borrowed money when asked
  - 3.2.2.3. **Physical abuse** includes any act of violence – whether or not it results in physical injury. Intentionally inflicting pain or injury that results in either bodily harm or mental distress is abuse. Physical abuse may include, for example:
    - 3.2.2.3.1. Beating
    - 3.2.2.3.2. Burning or scalding
    - 3.2.2.3.3. Pushing or shoving
    - 3.2.2.3.4. Hitting or slapping
    - 3.2.2.3.5. Rough handling
    - 3.2.2.3.6. Tripping
    - 3.2.2.3.7. Spitting
  - 3.2.2.4. All forms of **Sexual Abuse** are also applicable to Vulnerable Adults
- 3.2.3. Potential warning signs of abuse of vulnerable adults can include:
- 3.2.3.1. Depression, fear, anxiety, passivity
  - 3.2.3.2. Unexplained physical injuries
  - 3.2.3.3. Dehydration, malnutrition, or lack of food
  - 3.2.3.4. Poor hygiene, rashes, pressure sores
  - 3.2.3.5. Over-sedation

#### 4. Preventing Abuse

BC Diving has measures aimed at preventing abuse. These measures include screening, orientation, training, practice, and monitoring.

##### 4.1. Screening

- 4.1.1. Any person in a position of trust/authority, including but not limited to participants who coach, volunteer, officiate, deliver developmental programs, are affiliated with a BC Diving team, accompany a BC Diving team to an event or competition, are paid staff, or otherwise engage with Vulnerable Individuals involved with BC Diving will be screened according to the organization's procedures for screening and registration.



- 4.1.2. BC Diving will use the *Screening Policy* to determine the level of trust, authority, and access that each Participant has with Vulnerable Individuals. Each level of risk will be accompanied by increased screening procedures which may include the following, singularly or in combination:
  - 4.1.2.1. Completing an Application Form for the position sought (which includes alerting Participants that they must agree to adhere with the organization's policies and procedures (including this *Abuse Policy*))
  - 4.1.2.2. Completing a Screening Declaration Form
  - 4.1.2.3. Providing letters of reference
  - 4.1.2.4. Providing a Criminal Record Check ("CRC") and/or Vulnerable Sector Check ("VSC")
  - 4.1.2.5. Providing a driver's abstract (for Participants who transport Vulnerable Individuals)
  - 4.1.2.6. Other screening procedures, as required
- 4.1.3. A Participant's failure to participate in the screening process or pass the screening requirements as determined by a Screening Committee, will result in the Participant's ineligibility for the position sought.

#### **4.2. Orientation and Training**

- 4.2.1. BC Diving delivers orientation and training sessions on a regular and ongoing basis. Such sessions may include, but are not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.

#### **4.2.2. Best practices**

- 4.2.2.1. When Persons in Authority interact with Vulnerable Individuals, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:
- 4.2.2.2. Limiting physical interactions to non-threatening or non-sexual touching (i.e., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
- 4.2.2.3. Ensuring that Vulnerable Individuals are always supervised by more than one Person in Authority
- 4.2.2.4. Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power onto one Individual)
- 4.2.2.5. Including parents/guardians in all communication (e.g., electronic, telephonic) with Vulnerable Individuals
- 4.2.2.6. Ensuring that parents/guardians are aware that some non-personal communication between Persons in Authority and Vulnerable Individuals (e.g., coaches and athletes) may take place electronically (e.g., by texting) and that this type of communication is now considered to be commonplace, especially with older Vulnerable Individuals (e.g., teenagers). Individuals are aware that such communication is subject to BC Diving's *Conduct Policy with Disciplinary Procedures* and *Social Media Policy*.

- 4.2.2.7. When traveling with Vulnerable Individuals, the Person in Authority will not transport Vulnerable Individuals without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.
- 4.2.3. **Monitoring** - BC Diving will regularly monitor those Individuals who have access to, or interact with, Vulnerable Individuals. The monitoring will be based on the level of risk, as described in the procedures for screening. Monitoring may include, but is not limited to: regular status reports, logs, supervisor meetings, supervisor on-site check-ins, feedback provided directly to the organization (from peers and parents/athletes), and regular evaluations.

## 5. Reporting Abuse

- 5.1. Knowledge or reports of abuse that are shared confidentially with an Individual by a Vulnerable Individual may require the Individual to report the incident to parents/guardians, BC Diving, child protection services, or police. Individuals must respond to such reports in a non-judgemental, supportive and comforting manner but must also explain that the report may need to be escalated to the proper authority or to the Vulnerable Individual's parent/guardian.
- 5.2. Complaints or reports that describe an element of abuse will be addressed by the process(es) described in the organization's *Conduct Policy with Disciplinary Procedures* and the *Investigations Policy*.

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[1] Retrieved from: [https://www.ecclesiastical.ca/guidelines\\_developsafetyprotectionpolicy\\_children-youths-vulnerableadults\\_faith/](https://www.ecclesiastical.ca/guidelines_developsafetyprotectionpolicy_children-youths-vulnerableadults_faith/)

[2] Adapted from: <https://www.all4kids.org/2014/03/04/warning-signs-child-abuse-neglect/>

[3] Adapted from: [https://www.parentsprotect.co.uk/warning\\_signs.htm](https://www.parentsprotect.co.uk/warning_signs.htm)

## INVESTIGATIONS POLICY *(New)*

### 1. Purpose

- 1.1. BC Diving is committed to eliminating all instances of Discrimination, Harassment, Maltreatment, and Abuse within its operations and activities. This Policy describes how Participants can report instances of Abuse, Maltreatment, Discrimination, Harassment, Workplace Harassment, and Workplace Violence, and how BC Diving will investigate those reports.

### 2. Process

- 2.1. When a complaint is submitted per BC Diving's *Conduct Policy with Disciplinary Procedures*, the Independent Third Party Officer will determine if such complaint should be investigated.
- 2.2. In the event that BC Diving receives an allegation that it deems is of provincial or sport-wide importance, detrimental to the sport of diving in British Columbia or the reputation of BC Diving, or harmful to the physical, mental or emotional health and safety of Participants, then BC Diving is entitled to undertake an investigation of the surrounding circumstances as deemed necessary or advisable.
- 2.3. BC Diving will adhere to all disclosure and reporting responsibilities required by the Minister of Sport and Persons with Disabilities.

### 3. Investigation

- 3.1. The Executive Direction (or designate) or Independent Third Party Officer will appoint an Investigator who will be an independent third party. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
- 3.2. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the complaint.
- 3.3. The investigation may take any form as decided by the Investigator, guided by applicable Federal and/or Provincial legislation when applicable. The investigation may include:
  - 3.3.1. Complainant interviewed;
  - 3.3.2. Witnesses interviewed;
  - 3.3.3. Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - 3.3.4. Statement delivered to Respondent ;
  - 3.3.5. Respondent interviewed;
  - 3.3.6. Witnesses interviewed; and

- 3.3.7. Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

#### **4. Investigator's Report**

- 4.1. Per timelines determined by the Executive Director or Independent Officer, who may modify the timelines as described in the *Conduct Policy with Disciplinary Procedures*, the Investigator will prepare and submit a Report.
- 4.2. The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, a breach of the Conduct Policy occurred.
- 4.3. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
- 4.4. The Investigator's Report may be provided to the parties and the names and identifying details of any witnesses may be redacted or excluded. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of BC Diving.
- 4.5. Should the Investigator find that there are possible instances of offence under the Criminal Code, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant to refer the matter to police. The Investigator will further inform BC Diving that the matter should be directed to the police.
- 4.6. The Investigator must also inform BC Diving of any findings of criminal activity. BC Diving may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against BC Diving, or other offences where the lack of reporting would bring BC Diving into disrepute.
- 4.7. The Discipline Panel may consider the Investigator's Report, in addition to submissions from the parties, prior to making a decision on the complaint.

#### **5. Reprisal and Retaliation**

- 5.1. Any retaliation against a Participant for submitting a complaint to BC Diving, or for giving evidence to an Investigator or to a Discipline Committee, will constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Conduct Policy with Disciplinary Procedures*.

## **6. False Allegations**

6.1 An individual who submits allegations that the Investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Conduct Policy with Disciplinary Procedures* and may be required to pay for the costs of any investigation that comes to this conclusion. Any individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full. BC Diving, or the individual against whom the allegations were submitted, may act as the Complainant.

## **7. Confidentiality**

- 7.1. The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential, unless disclosure is necessary for the purpose of investigating or taking corrective action, or is otherwise required by law.
- 7.2. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, BC Diving recognizes that maintaining anonymity of any party may be difficult for the Investigator during the course of the investigation.

## CONFIDENTIAL REPORTING POLICY

### 1. Definitions

- 1.1 “*Director*” – An individual appointed or elected to BC Diving’s Board of Directors
- 1.2 “*Worker*” – An individual who has signed an Employment Agreement or Contractor Agreement with BC Diving

### 2. Purpose

- 2.1. The purpose of this Policy is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing within BC Diving without fear of unfair treatment or reprisal.

### 3. Application

- 3.1. This Policy only applies to Workers who observe, or experience incidents of wrongdoing committed by Directors or other Workers.
- 3.2. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by BC Diving can be reported under the terms of the *Conduct Policy with Disciplinary Procedures* and/or reported to the Board or Executive Director to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or BC Diving’s policies for human resources.
- 3.3. Matters reported under the terms of this Policy may be referred to be heard under BC Diving’s *Conduct Policy*, at the discretion of the Independent Third Party Officer.

### 4. Wrongdoing

- 4.1. Wrongdoing can be defined as:
  - 4.1.1. Violating the law;
  - 4.1.2. Intentionally or seriously breaching BC Diving’s *Conduct Policy*;
  - 4.1.3. Committing or ignoring risks to the life, health, or safety of a Participant, Registrant, Member, or other individual;
  - 4.1.4. Directing an individual or Worker to commit a crime, serious breach of a BC Diving policy, or other wrongful act; or
  - 4.1.5. Fraud.

### 5. Pledge

- 5.1. BC Diving pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any individual who discloses information or submits, in good faith, a report against a Worker under the terms of this Policy.

- 5.2. Any individual affiliated with BC Diving who breaks this Pledge will be subject to disciplinary action.

## **6. Reporting Wrongdoing**

- 6.1. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
  - 6.1.1. Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
  - 6.1.2. Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
  - 6.1.3. Why the act or action should be considered to be wrongdoing; and
  - 6.1.4. How the wrongdoing affects the Worker submitting the report (if applicable).

## **7. Authority**

- 7.1. BC Diving has appointed an Independent Third Party Officer to receive reports and their contact information can be found on BC Diving's website: [www.bcdiving.ca](http://www.bcdiving.ca)
- 7.2. After receiving the report, the Independent Third Party Officer has the responsibility to:
  - 7.2.1. Assure the Worker of BC Diving's Pledge
  - 7.2.2. Determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious)
  - 7.2.3. Determine if BC Diving's *Confidential Reporting Policy* applies or if the matter should be handled under BC Diving's *Conduct Policy*
  - 7.2.4. Determine if the local police service be contacted
  - 7.2.5. Determine if mediation or alternate dispute resolution can be used to resolve the issue
  - 7.2.6. Determine if BC Diving's President and/or Executive Director should or can be notified of the report
  - 7.2.7. Begin an investigation

## **8. Investigation**

- 8.1. If the Independent Third Party Officer determines that an investigation should be launched, the Independent Third Party Officer may decide to contract an external investigator. In such cases, BC Diving's Executive Director and/or President may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the individual who submitted the report being disclosed. BC Diving's Executive Director and/or President may not unreasonably refuse the decision to contract an external investigator.
- 8.2. The investigation may be undertaken as per the BC Diving *Investigations Policy*.

- 8.3. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, BC Diving recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
- 8.4. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to BC Diving's President and/or Executive Director for review and action.

## **9. Decision**

- 9.1. Within fourteen (14) days after receiving the Investigator's Report, BC Diving's President and/or Executive Director will take corrective action, as required. Corrective action may include, but is not limited to including:
  - 9.1.1. Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
  - 9.1.2. Revision of job descriptions; or,
  - 9.1.3. Discipline, suspension, termination, or other action as permitted by BC Diving's By-laws, provincial employment legislation, BC Diving's procedures for human resources, the *Conduct Policy*, and/or a Worker's Employment Agreement or Contractor Agreement.
- 9.2. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
- 9.3. Decisions made under the terms of this Policy may be appealed under the terms of BC Diving's *Appeal Policy* provided that:
  - 9.3.1. If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal, and
  - 9.3.2. If the Worker or Director against whom the initial report was submitted is appealing the decision, this Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that BC Diving will act as the Respondent

## **10. Confidentiality**

- 10.1. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals. An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.



## **DISPUTE RESOLUTION POLICY**

### **1. Purpose**

- 1.1 BC Diving supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
- 1.2 BC Diving encourages all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. BC Diving believes that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

### **2. Application of this Policy**

- 2.1 This Policy applies to all Participants.
- 2.2 Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

### **3. Facilitation and Mediation**

- 3.1 If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
- 3.2 The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
- 3.3 Should a negotiated settlement be reached, the settlement shall be reported to, and approved by, BC Diving. 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 approval.
- 3.4 Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Conduct Policy* or *Appeal Policy*, as applicable.

### **4. Final and Binding**

- 4.1 Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.

## APPEAL POLICY

### 1. Purpose

- 1.1 This Appeal Policy provides Participants with a fair and expedient appeal process.

### 2. Scope and Application of this Policy

- 2.1 This Policy applies to all Participants.
- 2.2 Any Participant who is directly affected by a decision made by BC Diving shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.
- 2.3 This Policy **will apply** to decisions relating to:
- 2.3.1 Eligibility
  - 2.3.2 Selection
  - 2.3.3 Conflict of Interest
  - 2.3.4 Discipline
  - 2.3.5 Membership
- 2.4 This Policy **will not apply** to decisions relating to:
- 2.4.1 Employment
  - 2.4.2 Infractions for doping offenses
  - 2.4.3 The rules of the sport
  - 2.4.4 Selection criteria, quotas, policies, and procedures established by entities other than BC Diving
  - 2.4.5 Substance, content and establishment of team selection or carding criteria
  - 2.4.6 Volunteer/coach appointments and the withdrawal or termination of those appointments
  - 2.4.7 Budgeting and budget implementation
  - 2.4.8 The organization's operational structure and committee appointments
  - 2.4.9 Decisions or discipline arising within the business, activities, or events organized by entities other than BC Diving (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion)
  - 2.4.10 Commercial matters for which another appeals process exists under a contract or applicable law
  - 2.4.11 Decisions made under this Policy

### 3. Timing of Appeal

- 3.1 Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following:

- 3.1.1 Notice of the intention to appeal
- 3.1.2 Their contact information
- 3.1.3 Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
- 3.1.4 Date the Appellant was advised of the decision being appealed
- 3.1.5 A copy of the decision being appealed, or description of decision if written document is not available
- 3.1.6 Grounds for the appeal
- 3.1.7 Detailed reasons for the appeal
- 3.1.8 All evidence that supports these grounds
- 3.1.9 Requested remedy or remedies
- 3.1.10 An administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld.

- 3.2 A Participant who wishes to initiate an appeal beyond the seven (7) 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 seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

#### **4 Submitting an Appeal**

- 4.1 Appeals of decisions made by BC Diving can be submitted to BC Diving to be heard pursuant to this Policy. Alternatively, at BC Diving's discretion, the appeal may be heard directly before the Sport Dispute Resolution Centre of Canada (SDRCC).
- 4.2 Except where an appeal proceeds before the SDRCC, BC Diving shall appoint an Appeal Manager and shall follow the process outlined in this Appeal Policy.

#### **5 Grounds for Appeal**

- 5.1 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:
  - 5.1.1 Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
  - 5.1.2 Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - 5.1.3 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)
  - 5.1.4 Made a decision that was patently unreasonable

## **6 Screening of Appeal**

- 6.1 The parties may first attempt to resolve the appeal through the *Dispute Resolution Policy*.
- 6.2 Appeals resolved under the Dispute Resolution Policy will result in the administration fee being refunded to the Appellant.
- 6.3 Should the appeal not be resolved by using the Dispute Resolution Policy, BC Diving will appoint an independent Appeal Manager (who must not be in a conflict of interest, not have any involvement with the original decision, and not have any direct relationship with the parties) who has the following responsibilities:
  - 6.3.1 To determine if the appeal falls under the scope of this Policy
  - 6.3.2 To determine if the appeal was submitted in a timely manner
  - 6.3.3 To decide whether there are sufficient grounds for the appeal
- 6.4 If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- 6.5 If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

## **7 Determination of Affected Parties**

- 7.1 In order to confirm the identification of any Affected Parties, the Appeal Manager will engage BC Diving. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

## **8 Procedure for Appeal Hearing**

- 8.1 The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
- 8.2 If a party chooses not to participate in the hearing, the hearing will proceed in any event.
- 8.3 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 Appeal Manager and the Panel deem appropriate in the circumstances, provided that:

- 8.3.1 The hearing will be held within a timeline determined by the Appeal Manager
- 8.3.2 The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
- 8.3.3 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
- 8.3.4 The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- 8.3.5 The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
- 8.3.6 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
- 8.3.7 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 an Affected Party to the appeal in question and will be bound by its outcome
- 8.3.8 The decision to uphold or reject the appeal will be by a majority vote of Panel members

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

## 9 Appeal Decision

- 9.1 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.
- 9.2 The Panel shall issue its decision, in writing and with reasons, within seven (7) 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:
  - 9.2.1 Reject the appeal and confirm the decision being appealed;
  - 9.2.2 Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
  - 9.2.3 Uphold the appeal and vary the decision.
- 9.3 The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.

- 9.4 The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and BC Diving. 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.

## **10 Timelines**

- 10.1 If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

## **11 Confidentiality**

- 11.1 The appeals process is confidential and involves only the parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

## **12 Final and Binding**

- 12.1 Subject to appeal to the Sport Dispute Resolution Centre of Canada (SDRCC), no action or legal proceeding will be commenced against BC Diving or Participants in respect of a dispute, unless BC Diving has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

## RECIPROCATION POLICY

### Purpose

1. The purpose of this Policy is to ensure provincial enforcement and recognition of all disciplinary sanctions applied by BC Diving and Member clubs.
2. BC Diving recognizes the importance of safe sport for all participants in the sport throughout the province. BC Diving also recognizes its obligation to engage an independent third party to handle and/or investigate all matters involving Harassment, Discrimination, Abuse, Workplace Harassment, Workplace Violence, and Maltreatment.

### Application

3. This Policy applies to BC Diving and all Member Clubs.

### Responsibilities

4. BC Diving will:
  - a) Provide copies of discipline and appeal decisions involving Participants to Diving Plongeon Canada ("DPC") and all Member club(s) affected or impacted by the decision
  - b) For discipline decisions provided to BC Diving by DPC and/or a Member club, determine per the *Conduct Policy with Disciplinary Procedures* whether to initiate further action against the individual(s) named in the decision
  - c) Recognize and enforce the disciplinary sanctions imposed by DPC and/or a Member Club
  - d) Update their governing documents to reference the reciprocatation procedures described herein
5. Clubs will:
  - a) Provide copies of discipline and appeal decisions involving Participants to BC Diving
  - b) For discipline decisions provided to a Club by BC Diving, determine per its own policies whether to initiate further action against the Participant(s) named in the decision
  - c) Recognize and enforce the disciplinary sanctions imposed by BC Diving
  - d) Update their governing documents to reference the reciprocatation procedures described herein.

## SOCIAL MEDIA POLICY

### 1. Preamble

- 1.1 BC Diving is aware that Participant interaction and communication occurs frequently on social media. BC Diving cautions Participants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Conduct Policy* may be subject to the disciplinary sanctions identified within the *Conduct Policy*.

### 2. Application of this Policy

- 2.1 This Policy applies to all Participants.

### 3. Conduct and Behaviour

- 3.1 Per the *Conduct Policy*, the following Social Media conduct may be considered minor or major infractions at the discretion of the Discipline Chair or Independent Third Party Officer:
- 3.1.1 Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at a Participant, at BC Diving, a Member, or at other individuals connected with BC Diving
  - 3.1.2 Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, embarrassing, suggestive, provocative, or otherwise offensive, and that is directed at a Participant, at BC Diving, at a Member, or at other individuals connected with BC Diving or a Member
  - 3.1.3 Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about BC Diving or a Member, or their stakeholders or reputation
  - 3.1.4 Any instance of cyber-bullying or cyber-harassment between one Participant and another Participant (including a teammate, coach, opponent, volunteer, or official), where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour
- 3.2 All conduct and behaviour occurring on Social Media may be subject to the *Conduct Policy*.

### 4. Participants Responsibilities

- 4.1 Participants should be aware that their social media activity may be viewed by anyone; including BC Diving.
- 4.2 If BC Diving unofficially engages with a Participant in Social Media (such as by retweeting a tweet or sharing a photo on Facebook) the Participant may, at any time, ask BC Diving to cease this engagement.



- 4.3 When using Social Media, a Participant must model appropriate behaviour befitting the Participant's role and status in connection with BC Diving.
- 4.4 Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Participant from being subject to the *Conduct Policy*.
- 4.5 An individual who believes that a Participant's Social Media activity is inappropriate or may violate policies and procedures should report the matter to BC Diving in the manner outlined by the *Conduct Policy*.

## **5. BC Diving Responsibilities**

- 5.1 BC Diving has a responsibility to understand if and how Persons in Authority and Athletes are using Social Media to communicate with each other. Persons in Authority and Athletes may need to be reminded that behaviour in Social Media is still subject to the *Conduct Policy* and *Social Media Policy*.
- 5.2 Complaints and concerns about the behaviour of a Person in Authority or Athlete in Social Media can be addressed under the *Conduct Policy*.

## **6. Guidelines**

- 6.1 The Guidelines in this section provide Persons in Authority and Athletes with tips and suggestions for Social Media use. Persons in Authority and Athletes are strongly encouraged to develop their own strategy for Social Media use (either written down or not) and ensure that their strategy for Social Media use is acceptable pursuant to the *Conduct Policy*.
- 6.2 Given the nature of Social Media as a continually developing communication sphere, BC Diving trusts its Persons in Authority and Athletes to use their best judgment when interacting with Social Media. These Guidelines are not hard and fast rules or behavioural laws, but rather recommendations that will inform individuals' best judgment.

## **7. Social Media Guidelines for Persons in Authority**

- 7.1 Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:
  - 7.1.1 With Minor Athletes, ensure that parents/guardians are aware if some interactions may take place on Social Media and the context for those interactions, and give parents/guardians the option to prohibit or restrict communication in this space.
  - 7.1.2 Attempt to make communication with Athletes in Social Media as one-sided as possible. Be available for Athletes if they initiate contact – Athletes may wish to have this easy and quick access to you – but avoid imposing yourself into an Athlete's personal Social Media space.

- 7.1.3 Ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways.
- 7.1.4 Choosing not to engage with Social Media is an acceptable strategy. Be prepared to inform Athletes (and/or parents/guardians) why you will not engage in this space and explain which media you will use to communicate with them.
- 7.1.5 Athletes will search for your Social Media accounts. Be prepared for how you will respond when an Athlete attempts to interact with you on Social Media.
- 7.1.6 Annually review and update the privacy settings on all your Social Media accounts.
- 7.1.7 Consider monitoring or being generally aware of Athletes' public Social Media behaviour to ensure compliance with the *Conduct Policy* and this Policy.
- 7.1.8 Never demand access to an Athlete's private posts on Twitter, Instagram, or Facebook.
- 7.1.9 Do not send friend requests to Athletes. Never pressure Athletes to send you a friend request or follow your Social Media accounts.
- 7.1.10 If you accept a friend request from one Athlete, you should accept these requests from all Athletes. Be careful not to show favouritism on Social Media.
- 7.1.11 Consider managing your Social Media so that Athletes do not have the option to follow you on Twitter or send you a friend request on Facebook.
- 7.1.12 Do not identify Minor Athletes on publicly available Social Media.
- 7.1.13 Seek permission from adult Athletes before identifying them on publicly available Social Media.
- 7.1.14 Avoid adding Athletes to Snapchat and do not send snapchats to Athletes.
- 7.1.15 Do not post pictures or videos of Minor Athletes on your private Social Media accounts.
- 7.1.16 Do not use Social Media to 'trap' Athletes if they say one thing to you in person but their Social Media activity reveals they were doing something different.
- 7.1.17 Be aware that you may acquire information about an Athlete that imposes an obligation of disclosure on your part (such as seeing pictures of underage Athletes drinking during a trip).
- 7.1.18 If selection decisions and other official team business are announced on Social Media, ensure they are also posted on a less-social medium like a website or distributed via email.
- 7.1.19 Never require Athletes to join Facebook, join a Facebook group, subscribe to a Twitter feed, or join a Facebook page about your team or organization.
- 7.1.20 If you create a page on Facebook or Instagram for your team or Athlete, do not make this Social Media site the exclusive location for important information. Duplicate important information in less-social channels (like on a website or via email).
- 7.1.21 Exercise appropriate discretion when using Social Media for your own personal communications (with friends, colleagues, and other Persons in Authority) with the knowledge that your behaviour may be used as a model by Athletes.
- 7.1.22 Avoid association with Facebook groups, Instagram accounts, or Twitter feeds with explicit sexual conduct or viewpoints that might offend or compromise your relationship with an Athlete.
- 7.1.23 Never misrepresent yourself by using a fake name or fake profile.

## 8. Social Media Guidelines for Athletes

- 8.1 The following tips should be used by Athletes to inform their own strategy for Social Media use:
- 8.1.1 Set your privacy settings to restrict who can search for you and what private information other people can see.
  - 8.1.2 Coaches, teammates, officials, or opposing competitors may all add you to Facebook or follow you on Instagram or Twitter. You are not required to follow anyone or be Facebook friends with anyone.
  - 8.1.3 Avoid adding Persons in Authority to Snapchat and do not send snapchats to Persons in Authority.
  - 8.1.4 If you feel harassed by someone in a social medium, report it to your coach or another Persons in Authority with your organization.
  - 8.1.5 You do not have to join a fan page on Facebook or follow a Twitter feed or Instagram account.
  - 8.1.6 Content posted on a social medium, relative to your privacy settings, is considered public. In most cases, you do not have a reasonable expectation of privacy for any material that you post.
  - 8.1.7 Content posted to a social medium is almost always permanent – consider that other individuals may take screenshots of your content (even snapchats) before you can delete them.
  - 8.1.8 Avoid posting pictures of, or alluding to, participation in illegal activity such as: speeding, physical assault, harassment, drinking alcohol (if underage), and smoking marijuana.
  - 8.1.9 Model appropriate behaviour in Social Media befitting your status as (a) an Athlete, and (b) a member of your organization and its governing organizations. As a representative of your organization, you have agreed to the *Conduct Policy* and must follow that Policy when you post material and interact with other people through Social Media.
  - 8.1.10 Be aware that your public Facebook page, Instagram account, or Twitter feed may be monitored by your organization, coach, or by another organization and content or behaviour demonstrated in Social Media may be subject to sanction under the *Conduct Policy*.

## **BEST PRACTICES TO PROVIDE A SAFE SPORT ENVIRONMENT IN DIVING**

*The following are a collection of “Best Practices” from other sport and youth organization provided as suggestions for incorporation in the policies and practices of the BC Diving community at all levels.*

### **1. One-on-One interactions:**

- 1.1. An unrelated Person in Authority may NOT be alone with a Minor (a) in a private setting, and (b) in any place that is inappropriate to the professional relationship (i.e., a social setting outside the training or competition environment). Sports activity conducted within the view and/or earshot of another Person in Authority is not considered a one-on-one interaction if there is reasonable opportunity for interruption.
- 1.2. Athletes may not reside with an unrelated Person in Authority, nor may an unrelated Person in Authority reside with an athlete’s family.

### **2. Travel**

- 2.1. Identify who is acting as the travelling leader (chaperone) of the divers (coach(es), parents, other Person in Authority). If it is not the parent, written authority from the parent/guardian of the athlete for supervision is to be provided to the travelling chaperone.
- 2.2. When traveling, regardless of distance, an unrelated Person in Authority shall not be alone with a Minor Participant.
- 2.3. Young or first-time travelers must be educated on appropriate boundaries and conduct between Persons in Authority and athletes. Provide multiple suggestions for how Minors can get help/support as needed.
- 2.4. Review safety protocols such as always using the “rule of two” system, rather than being alone (in hotel rooms, using restrooms, etc.).
- 2.5. For overnight travel, assign athletes to hotel rooms with age-appropriate (within 2 yrs of age), same-sex teammates.
- 2.6. Do not allow an unrelated Person in Authority to share or be alone in a hotel/dorm/sleeping room with athletes.

### **3. Locker Rooms/Changing Areas**

- 3.1. Interactions (i.e. conversation) between Persons in Authority and athletes should not occur in any room where there is a reasonable expectation of privacy such as an office, locker room, restroom or changing area. A second Person in Authority, adult or multiple divers, should be present for any necessary interaction between an adult and a diver in any such room.
- 3.2. The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.

### **4. Social Media and Communication**

- 4.1. Persons in Authority and athletes should apply the spirit of the Rule of Two to virtual settings. One-on-one interactions between Persons in Authority and Minor athletes should be open and observable (e.g., by documenting the interaction, copying or including parents/guardians, and/or by using other strategies that protect athletes).
- 4.2. Comments or conversations that contain adult themes or information not intended for public disclosure, should be discussed out of earshot of athletes/participants.
- 4.3. As part of their strategy for social media use, Persons in Authority should limit interactions in these spaces and avoid initiating contact. Interactions must be open and observable (i.e., public rather than private) and parents/guardians of Minor athletes must be aware if some interactions may take place in this space. Parents/guardians of Minor athletes may request that the Person in Authority cease all interaction with their Minor athlete via social media.
- 4.4. For all electronic communication between Persons in Authority and Minor athletes (such as texting and emailing), parents/guardians must be aware if some interactions may take place in this space. Coaches should limit these interactions to non-social matters. Interactions should also be documented (e.g., saved or recorded) and in some cases, particularly for Minor athletes under the age of 16, a parent/guardian should be copied on the interactions and/or regularly consent to their occurrence.

### **5. Gifts and Privileges**

- 5.1. Gift-giving or providing special favours or privileges from unrelated Persons in Authority to individual athletes (other than end-of-season individual honours or awards) is prohibited. Gifts may be distributed to the entire team or group.

### **6. Photography / Videography**

- 6.1. Photographs and video may only be taken by unrelated Persons in Authority in public view, must observe generally accepted standards of decency and be both appropriate for and in the best interest of the diver.

6.2. Examples of photos that should be edited or deleted include:

- 6.2.1. Any image where the genital area is prominent
- 6.2.2. Images with misplaced apparel or where undergarments are showing
- 6.2.3. Suggestive or provocative poses

6.3. Without parent or legal guardian's consent, in the case of a Minor diver, or an adult diver's consent (a) athletes may not be photographed or filmed; and (b) no images of athletes may be posted publicly or privately. If consent is given, it may be revoked at any time.

## **7. Massage/Icing/Taping**

7.1. Any rubdown or massage performed on a diver by any unrelated Person in Authority must be conducted in open/public locations, with the athlete's consent (or parent's consent in the case Minors) and must never be done with only a diver and unrelated Person in Authority in the room. Massages must be done by licensed and qualified therapists or medical professionals.

7.2. Icing and taping must be conducted in open/public locations and must never be done with only a diver and unrelated Person in Authority in the room.

7.3. Icing and taping near the intimate areas of the body is not permitted by any unrelated Person in Authority - unless it is done by a licensed medical professional – and must NEVER be done with only a diver and unrelated Person in Authority in the room.

## **8. Stretching and Other Physical Contact**

8.1. Persons in Authority should take care to prevent any compromising positions while stretching or closely interacting with athletes.

8.2. Physical contact that is reasonably intended to coach, teach or demonstrate a sports skill or to prevent or lessen injury (e.g., spotting, catching) is not only permissible, but a necessary part of the sport. Spotting (as taught in NCCP technical courses) is encouraged as a teaching tool.

8.3. Permission for appropriate physical contact can be incorporated into communication between athlete and Person in Authority. For instance, "Are you okay if I spot you on your next attempt to show you the correct shape?"

8.4. Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the diver, does not violate this policy.

8.5. Making amends, such as an apology or explanation, is encouraged to further help educate athletes on the difference between appropriate and inappropriate contact.



## **SCREENING POLICY**

To be added soon



## APPENDIX "A"

viaSport [British Columbia Universal Code of Conduct](#)



## ADDENDUM SAFE SPORT RESOURCES

There are many online resources to learn more about Safe Sport, some of which are listed below with a brief description adapted from each organization's website. If you have questions or concerns relating to any suspected incident, please contact the Canadian Sport Helpline or BC Diving's Independent Third Party Safe Sport Officer. Their contact information is also listed here.

### 1. Canadian Sport Helpline

The Sport Dispute Resolution Centre of Canada (SDRCC) is committed to ensuring that Canadian sport participants of all levels compete in a safe and welcoming environment. If you are aware of a suspected incident of abuse, harassment, discrimination or bullying or if you have questions and/or concerns regarding an incident, contact the Canadian Sport Helpline. Experts are available to provide you with advice, guidance and resources on how to proceed/intervene appropriately in the circumstances.

- Web: <http://abuse-free-sport.ca/en/>
- Email: [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca)
- Phone/Text Message: 1-888-83SPORT (1-888-837-7678)
- Business Hours: 8 am-8 pm (Eastern Time), 7 days/week

### 2. BC Diving's Independent Third Party Safe Sport Officer

This individual is available to receive questions and concerns from participants in Canadian diving who believe that they or others are potentially unsafe for one reason or another.

The Third Party Safe Sport Officer is completely independent of BC Diving and is in place to review such issues and provide guidance on addressing safe sport situations as well as determine if issues fall within the parameters of BC Diving's Conduct Policy.

- Brian Ward: [safesport\\_wwdrs@primus.ca](mailto:safesport_wwdrs@primus.ca)

### 3. Respect in Sport

The Respect in Sport Activity Leader/Coach Program educates youth leaders, coaches, officials and participants (14 years and up) to recognize, understand and respond to issues of bullying, abuse, harassment and discrimination (BAHD).

Learn more: [Respect in Sport for Activity Leaders](#)

The Respect in Sport Parent Program helps define a standard of behaviour for all parents and creates a more rewarding, safe and respectful environment for everyone involved. Parents want to do a great job supporting their kids. Respect in Sport provides parents with the tools to create and maintain Safe Sport environments.

Learn more: [Respect in Sport for Parents](#)

Respect in the Workplace was developed to provide organizations of all sizes with a standard, cost-effective tool to empower your team with the skills to prevent bullying, abuse, harassment and discrimination (BAHD).

Learn more: [Respect in the Workplace](#)

#### 4. viaSport

viaSport has united partners to lead the creation of a culture that places the safety and well-being of participants at the centre of all sport and recreation. viaSport works with partners to develop and share resources to raise awareness, advocate for system-level change and support sport organizations to address these issues.

Learn more: <https://www.viasport.ca/quality-sport/safe-sport>

Ensuring sport experiences are positive requires participant are safe in sport. Sport experiences must be free from physical, emotional and mental harm.

Learn more: <https://www.viasport.ca/quality-sport/safe-sport/bullying>

#### 5. Safe Sport Training

Creating a culture where everyone can thrive is a shared responsibility. The Safe Sport Training module developed by the Coaching Association of Canada (CAC) will help anyone involved in sport identify and prevent situations of maltreatment.

Learn more: <https://safesport.coach.ca/>

#### 6. AthletesCAN

AthletesCAN has brought together an Athlete Health & Safety Advisory Committee to develop a system wide assessment model that will permit Canadian athletes and system stakeholders to achieve national and international excellence while fostering a safe and supportive environment for the holistic development of the athletes.

Learn more: <https://athletescan.com/en/athlete-zone/representation/safe-sport>

#### 7. Canadian Centre for Child Protection – Commit to Kids

The Commit to Kids (C2K) for Coaches online training empowers coaches and other sport leaders with practical information to help them enhance child and youth safety in sport. It highlights the importance of understanding boundaries, sexual misconduct and reporting inappropriate behaviour.

Learn more: [Commit to Kids](#)

#### 8. Government Resources

- [B.C. Helpline for Children](#) – a confidential toll-free phone line for children and youth wanting to talk to someone – is 310-1234 (no area code required).
- [VictimLinkBC](#) is a toll-free, confidential, multilingual telephone and online service available across B.C. 24 hours a day, 7 days a week which provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence.
- [Resilience BC: Anti-Racism Network](#) provides information about how to report incidences of racism and hate crimes if you are a victim or witness such incidences.