

**ONTARIO UNIVERSITY SOFTBALL (“OUS”)  
POLICY MANUAL**

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<b>Policy Title</b>	<b>Date of Last Review</b>
Code of Conduct and Ethics	May 2022
Abuse	May 2022
Investigations - Discrimination, Harassment and Abuse	May 2022
Discipline and Complaints	May 2022
Dispute Resolution	May 2022
Appeal	May 2022
Event Discipline	May 2022
Social Media	May 2022
Conflict of Interest	May 2022
Trans Inclusion	May 2022
Privacy	May 2022

# CODE OF CONDUCT AND ETHICS

## Definitions

1. The following terms have these meanings in this Code:
  - a) “*Individuals*” – Individuals engaged in activities with the OUS including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of the OUS.
  - b) “*OUS Sites*” - Any place where OUS events or business take place. OUS sites include but are not limited to league games, OUS Championships and Annual and Special Meetings.
  - c) “*Abuse*” – As defined in the OUS’s *Abuse Policy*.
  - d) “*Discrimination*” – Differential treatment of an individual based on one or more prohibited grounds which include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.
  - e) “*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:
    - i. Written or verbal abuse, threats, or outbursts;
    - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
    - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
    - iv. Leering or other suggestive or obscene gestures;
    - v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
    - vi. Practical jokes which endanger a person’s safety, or may negatively affect

performance;

- vii. 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;
- viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- ix. Deliberately excluding or socially isolating a person from a group or team;
- x. Persistent sexual flirtations, advances, requests, or invitations;
- xi. Physical or sexual assault;
- xii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- xiii. Retaliation or threats of retaliation against a person who reports harassment to the OUS.
- xiv. Bullying
  - xv. Repeated offensive or intimidating phone calls or emails;
  - xvi. Inappropriate sexual touching, advances, suggestions or requests;
  - xvii. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
  - xviii. Psychological abuse;
  - xix. Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings;

- xx. Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - xxi. Sabotaging someone else's work or performance;
  - xxii. Gossiping or spreading malicious rumours;
  - xxiii. Intimidating words or conduct (offensive jokes or innuendos); and
  - xxiv. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
- f) "*Sexual Harassment*" – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- i. Sexist jokes;
  - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - iii. Offering a benefit in exchange for a sexual favour;
  - iv. Demanding hugs;
  - v. Bragging about sexual ability;
  - vi. Leering (persistent sexual staring);
  - vii. Sexual assault;
  - viii. Display of sexually offensive material;
  - ix. Distributing sexually explicit email messages or attachments such as pictures or video files;
  - x. Sexually degrading words used to describe an Individual;
  - xi. Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;

- xii. Inquiries or comments about an Individual's sex life;
- xiii. Persistent, unwanted attention after a consensual relationship ends;
- xiv. Persistent unwelcome sexual flirtations, advances, or propositions; and
- xv. Persistent unwanted contact.

## **Purpose**

2. The purpose of this Code is to ensure a safe and positive environment (within the OUS's programs, activities, and events) by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the OUS's core values. The OUS supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

## **Application of this Code**

3. This Code applies to Individuals' conduct during the OUS's business, activities, and events including, but not limited to, competitions, , and any meetings.
4. An Individual who violates this Code may be subject to sanctions pursuant to the OUS's *Discipline and Complaints Policy*. In addition to facing possible sanction pursuant to the OUS's *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, the official may delay the competition until the Individual complies with the ejection, and the Individual may be subject to any additional discipline associated with the particular competition.
5. This Code also applies to Individuals' conduct outside of the OUS's business, activities, and events when such conduct adversely affects relationships within the OUS (and its work and sport environment) and is detrimental to the image and reputation of the OUS. Such applicability will be determined by the OUS at its sole discretion.

## **Responsibilities**

6. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of the OUS members and other individuals by:
    - i. Treating each other with the highest standards of respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of

- athletes, coaches, officials, organizers, volunteers, employees, or members;
- iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
  - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
  - v. Consistently treating individuals fairly and reasonably; and
  - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- b) Refrain from any behaviour that constitutes Harassment, Sexual Harassment or Discrimination;
  - c) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the OUS adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to the OUS's *Discipline and Complaints Policy*. The OUS will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the OUS or any other sport organization.
  - d) 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)
  - e) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
  - f) Refrain from consuming tobacco products, or recreational drugs while participating in the OUS's programs, activities, competitions, or events
  - g) In the case of minors, not consume alcohol at any competition or event;
  - h) In the case of adults, avoid consuming alcohol in competitions and situations where minors are present and take reasonable steps to manage the responsible

consumption of alcohol in adult- oriented social situations associated with the OUS's events

- i) Respect the property of others and not willfully cause damage
- j) Promote the sport in the most constructive and positive manner possible
- k) When driving a vehicle with an Individual:
  - i. Not have his or her license suspended;
  - ii. Not be under the influence of alcohol or illegal drugs or substances; and
  - iii. Have valid car insurance
- l) Adhere to all federal, provincial, municipal and host country laws
- m) 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
- n) Comply, at all times, with the OUS's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

### **Directors and Committee Members**

7. In addition to section 7 (above), the OUS's Directors, and Committee Members will have additional

responsibilities to:

- a) Function primarily as a Director or Committee Member of the OUS; not as a member of any other particular member or constituency
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the OUS's business and the maintenance of Individuals' confidence
- c) Ensure that the OUS's financial affairs are conducted in a responsible and transparent manner  
with due regard for all fiduciary responsibilities
- d) Conduct themselves openly, professionally, lawfully and in good faith in the best interests of the OUS

- e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
- f) Behave with decorum appropriate to both circumstance and position
- g) Keep informed about the OUS's activities, the sport community, and general trends in the sectors in which it operates
- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the OUS is incorporated
- i) Respect the confidentiality appropriate to issues of a sensitive nature
- j) Respect the decisions of the majority and resign if unable to do so
- k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
- l) Have a thorough knowledge and understanding of all the OUS governance documents
- m) Conform to the bylaws and policies approved by the OUS

## **Coaches**

8. In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:

- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes
- b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes
- c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments
- d) Support the coaching staff of a training camp, provincial team, or national team; should

an athlete qualify for participation with one of these programs

- e) Accept and promote athletes' personal goals and refer athletes to other coaches and sports

specialists as appropriate

- f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- g) Act in the best interest of the athlete's development as a whole person
- h) Comply with the OUS's Criminal Records Check Policy, discussed below
- i) Report to the OUS any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
- j) 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
- k) Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes
- l) Not engage in a sexual relationship with an athlete under 18 years old;
- m) Disclose any sexual or intimate relationship with an athlete over the age of 18 to the OUS and immediately discontinue any coaching involvement with that athlete;
- n) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- o) Dress professionally, neatly, and inoffensively
- p) Use inoffensive language, taking into account the audience being addressed

## **Athletes**

9. In addition to section 7 (above), athletes will have additional responsibilities to:
- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete;
  - b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
  - c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
  - d) Adhere to the OUS's rules and requirements regarding clothing and equipment
  - e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators
  - f) Dress to represent the sport and themselves well and with professionalism
  - g) Act in accordance with the OUS's policies and procedures and, when applicable, additional rules  
as outlined by coaches or managers

## **Officials**

10. In addition to section 7 (above), officials will have additional responsibilities to:
- a) Maintain and update their knowledge of the rules and rules changes
  - b) Not publicly criticize other officials or any club or association;
  - c) Work within the boundaries of their position's description while supporting the work of other officials
  - d) Act as an ambassador of the OUS by agreeing to enforce and abide by national and provincial rules and regulations
  - e) Take ownership of actions and decisions made while officiating
  - f) Respect the rights, dignity, and worth of all individuals
  - g) Not publicly criticize other officials or any club or association

- h) Act openly, impartially, professionally, lawfully, and in good faith
- i) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- j) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time
- l) When writing reports, set out the true facts
- m) Dress in proper attire for officiating

### **Parents/Guardians and Spectators**

11. In addition to section 7 (above), parents/guardians and spectators at events will:

- a) Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
- b) Condemn the use of violence in any form
- c) Never ridicule a participant for making a mistake during a performance or practice
- d) Provide positive comments that motivate and encourage participants' continued effort
- e) Respect the decisions and judgments of officials, and encourage athletes to do the same
- f) Never question an official's or board member's judgment or honesty
- g) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- h) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
- i) Not harass competitors, coaches, officials, parents/guardians, or other spectators

# ABUSE POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Vulnerable Individuals*” – Includes Children / Youth (people under the age of 18 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);
  - b) “*Individuals*” – All categories of membership defined in the OUS’s Bylaws, as well as all individuals employed by, or engaged in activities with, the OUS including, but not limited to, athletes, coaches, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the OUS; and
  - c) “*Abuse*” – Child/Youth Abuse or Vulnerable Adult Abuse as described in this Policy.

## Purpose

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

## Zero Tolerance Statement

3. The OUS has zero tolerance for any type of abuse. Individuals are required to report instances of abuse or suspected abuse to the OUS to be immediately addressed under the terms of the applicable policy.

## Education – What is Abuse

4. Vulnerable Individuals can be abused in different forms.
5. “Child abuse” refers to the violence, mistreatment 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:
  - a) **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.

b) **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.

c) **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.

6. **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, serious 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. 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.

7. Abuse of children or youth in sport can include emotional maltreatment, neglect, and physical maltreatment.

a) **Emotional Maltreatment** – A coach's 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:

- i. Refusal to recognize an athlete's worth or the legitimacy of an athlete's needs (including complaints of injury/pain, thirst or feeling unwell)
- ii. Creating a culture of fear, or threatening, bullying or frightening an athlete

- iii. Frequent name-calling or sarcasm that continually “beats down” an athlete’s self-esteem
- iv. Embarrassing or humiliating an athlete in front of peers
- v. Excluding or isolating an athlete from the group
- vi. Withholding attention
- vii. Encouraging an athlete to engage in destructive and antisocial behaviour, reinforcing deviance, or impairing an athlete’s ability to behave in socially appropriate ways
- viii. Over-pressuring; whereby the coach imposes extreme pressure upon the athlete to behave and achieve in ways that are far beyond the athlete’s capabilities
- ix. Verbally attacking an athlete personally (e.g., belittling them or calling them worthless, lazy, useless, fat or disgusting).
- x. Routinely or arbitrarily excluding athletes from practice
- xi. Throwing sports equipment, water bottles or chairs at, or in the presence of, athletes

b) **Neglect** - acts of omission (i.e., the coach should act to protect health/well-being of an athlete but does not). Examples of neglect include:

- i. Isolating an athlete in a confined space or stranded on equipment, with no supervision, for an extended period of time
- ii. Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep
- iii. Ignoring an injury
- iv. Knowing about sexual abuse of an athlete but failing to report it

c) **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:

- i. Punching, beating, biting, striking, choking or slapping an athlete
- ii. Intentionally hitting an athlete with objects or sporting equipment
- iii. Providing alcohol to an athlete under the legal drinking age
- iv. Providing illegal drugs or non-prescribed medications to any athlete
- v. 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)
- vi. Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of an athlete
- vii. Forcing an athlete to assume a painful stance or position for no athletic purpose, or excessive repetition of a skill to the point of injury
- viii. Using excessive exercise as punishment (e.g., stretching to the point of causing the athlete to cry, endurance conditioning until the athlete vomits)

8. Importantly, emotional and physical maltreatment does not include professionally-accepted coaching methods (per the NCCP) of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.

9. Potential warning signs of abuse of children or youth can include<sup>[2][3]</sup>:

- a) Recurrent unexplained injuries
- b) Alert behaviour; child seems to always be expecting something bad to happen
- c) Often wears clothing that covers up their skin, even in warm weather
- d) Child startles easily, shies away from touch or shows other skittish behaviour
- e) Constantly seems fearful or anxious about doing something wrong
- f) Withdrawn from peers and adults
- g) Behavior fluctuates between extremes (e.g., extremely cooperative or extremely demanding)

- h) 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)
- i) Acting out in an inappropriate sexual way with toys or objects
- j) New adult words for body parts and no obvious source
- k) Self-harm (e.g., cutting, burning or other harmful activities)
- l) Not wanting to be alone with a particular child or young person

### **Vulnerable Adult Abuse**

10. 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.

11. 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:

a) **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

- i. Threatening to use violence
- ii. Threatening to abandon them
- iii. Intentionally frightening them
- iv. Making them fear that they will not receive the food or care they need
- v. Lying to them
- vi. Failing to check allegations of abuse against them

b) **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:

- i. Stealing their money, disability cheques, or other possessions
  - ii. Wrongfully using a Power of Attorney
  - iii. Failing to pay back borrowed money when asked
- c) **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:
- i. Beating
  - ii. Burning or scalding
  - iii. Pushing or shoving
  - iv. Hitting or slapping
  - v. Rough handling
  - vi. Tripping
  - vii. Spitting
- d) All forms of sexual abuse are also applicable to Vulnerable Adults

12. Potential warning signs of abuse of vulnerable adults can include:

- a) Depression, fear, anxiety, passivity
- b) Unexplained physical injuries
- c) Dehydration, malnutrition, or lack of food
- d) Poor hygiene, rashes, pressure sores
- e) Over-sedation

### **Preventing Abuse**

13. The OUS will enact measures aimed at preventing abuse. These measures include screening, orientation, training, practice, and monitoring.

14. Individuals who coach, volunteer, officiate, or otherwise engage with Vulnerable Individuals involved with the OUS may be asked to provide the OUS with a Criminal Record Check and/or Vulnerable Sector Check from time to time at the OUS's discretion.
15. An Individual's failure to participate in the Criminal Record Check and/or Vulnerable Sector Check, will be precluded from participating in OUS sanctioned activities.

### **Practice**

16. When Individuals interact with Vulnerable Individuals, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:
  - a) Limiting physical interactions to non-threatening or non-sexual touching (e.g., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
  - b) Ensuring that Vulnerable Individuals are always supervised by more than one adult
  - c) Ensuring that more than one person is responsible for team selection (thereby limiting the consolidation of power onto one Individual)
  - d) Including parents/guardians in all communication (e.g., electronic, telephonic) with Vulnerable Individuals
  - e) Ensuring that parents/guardians are aware that some non-personal communication between Individuals 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 OUS's *Code of Conduct and Ethics* and *Social Media Policy*.
  - f) When traveling with Vulnerable Individuals, the Individual will not transport Vulnerable Individuals without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.

### **Reporting Abuse**

17. 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, the OUS or police. Individuals must respond to such reports in a non-judgmental, 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.

18. Complaints or reports that describe an element of **abuse** will be addressed by the process(es) described in the organization's *Discipline and Complaints Policy* and the *Investigations Policy - Discrimination, Harassment and Abuse*.

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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 – DISCRIMINATION, HARASSMENT, AND ABUSE

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Discipline Chair(s)*” – An individual or individuals appointed by the President (or designate) to be the first point-of-contact for all discipline and complaint matters reported to the OUS, per the *Discipline and Complaints Policy*
  - b) “*Individuals*” – All categories of membership defined in the OUS’s Bylaws, as well as all individuals engaged in activities with, the OUS including, but not limited to, athletes, coaches, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the OUS
2. The following terms have the meanings as defined in the OUS’s *Code of Conduct and Ethics*:
  - a) Harassment
  - b) Discrimination
  - c) Sexual Harassment
3. The following terms have the meanings as defined in the OUS’s *Abuse Policy*:
  - a) Abuse

## Purpose

4. The OUS is committed to eliminating all instances of Discrimination, Harassment, and Abuse within its operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Sexual Harassment, and Abuse and how the OUS will investigate those reports.

## Process

5. When a complaint is submitted per the OUS’s *Discipline and Complaints Policy*, the Discipline Chair will determine if such complaint is related to an instance of Discrimination, Harassment, Sexual Harassment, or Abuse.
6. The OUS will adhere to all disclosure and reporting responsibilities required by law or any applicable policy.

## **Investigation**

7. Complaints that are determined to contain an element of Discrimination, Harassment, Sexual Harassment, and Abuse will be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Chair will also investigate the allegations. The Discipline Chair must not be in a conflict of interest situation and should have no connection to either party.
8. The investigation may take any form as decided by the Discipline Chair and may include:
  - a) Complainant interviewed;
  - b) Witnesses interviewed;
  - c) Respondent interviewed and provided with a full opportunity to respond to the allegations; and
  - d) Complainant provided with an opportunity to respond to events as described by the Respondent.

## **Discipline Chair's Report**

9. The Discipline Chair will prepare a report of the investigation. The report will include a summary of evidence from the parties and a determination of whether or not, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Sexual Harassment, or Abuse.
10. The Report will be provided to the parties with the names and identifying details of any witnesses redacted. The provision of the Report is conditional on the parties not distributing the Report to any third party without the written permission of the OUS.
11. Should the Discipline Chair find that there are possible instances of offence under the *Criminal Code*, the Discipline Chair will inform the parties and the OUS board of directors that the matter should be referred to the police.

## **Reprisal and Retaliation**

12. An individual who submits a complaint to the OUS, or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that individual will have cause to submit

a complaint.

### **False Allegations**

13. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of the OUS's *Discipline and Complaints Policy* with the OUS, or the individual against whom the false allegations were submitted, acting as the Complainant.

### **Confidentiality**

14. 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.

15. The Discipline Chair will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the OUS recognizes that maintaining anonymity of any party may be difficult for the Investigator during the course of the investigation.

## DISCIPLINE AND COMPLAINTS POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Complainant*” – The Party alleging an infraction.
  - b) “*Days*” – Days including weekends and holidays.
  - c) “*Discipline Chair(s)*” – An individual or individuals appointed by the President (or designate) to be the first point-of-contact for all discipline and complaint matters reported to the OUS.
  - d) “*Individuals*” – All categories of membership defined in the OUS’s Bylaws, as well as all individuals engaged in activities with, the OUS including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of the OUS, spectators, and parents/guardians of athletes.
  - e) “*Respondent*” – The alleged infracting Party.

### Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the OUS’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Discipline Chair

3. The Discipline Chair will be a Director of the Board, or an individual appointed by the President (or designate) to handle the duties of the Discipline Chair. The President (or designate) may choose to appoint up to three (3) individuals to serve as Discipline Chairs and, in this case, decisions of the Discipline Chairs will be by majority vote.
4. The Discipline Chair(s) appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation

### Application of this Policy

5. This Policy applies to all Individuals.
6. This Policy applies to matters that may arise during the course of the OUS’s business,

activities, and events including, but not limited to, competitions, and any meetings.

7. This Policy also applies to Individuals' conduct outside of the OUS's business, activities, and events when such conduct adversely affects relationships within the OUS (and its work and sport environment), is detrimental to the image and reputation of the OUS, or upon the acceptance of the OUS. Applicability will be determined by the OUS at its sole discretion.
8. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.

### **Alignment**

9. The OUS recognizes that Individuals are registered with their University team and requires that member University teams submit discipline decisions made by the University team or the University involving Individuals to the OUS and the OUS, at its discretion, may take further action.
10. If the OUS decides to take further action upon becoming aware of an Individual who has been disciplined by their University team or University, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. The OUS may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
11. The Discipline Chair(s) will review and consider the decision by the University team or University when making a decision on the complaint per the terms of this Policy.

### **Adult Representative**

12. Complaints may be brought for or against an Individual who is a minor (younger than 19 years old). Minors must have a parent/guardian or other adult serve as their representative during this process.
13. Communication from the Discipline Chair(s) must be directed to the minor's representative.
14. A minor is not required to attend an oral hearing, if held.

### **Process**

15. Any Individual may report an incident or complaint to the President (or designate) in writing,

within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the discretion of the President (or designate).

16. The President (or designate) will appoint the Discipline Chair(s), as described in this Policy.
17. The Discipline Chair(s) may determine that the alleged incident may contain an element of discrimination, harassment, sexual harassment, or abuse. In that case, the Discipline Chair(s) will investigate in accordance with the OUS's *Investigations Policy - Discrimination, Harassment, and Abuse* and the Discipline Chair(s) will have additional responsibilities as described in that Policy.
18. At the OUS's discretion, the OUS may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the OUS will identify an individual to represent the OUS.
19. Upon receipt of a complaint, the Discipline Chair(s) has discretion to choose the process which should be followed and it will be the responsibility of the Discipline Chair(s) to determine whether the complaint is substantiated by evidence on a balance of probabilities and if the conduct complained of is a violation of the Code of Conduct.
20. The discretion of the Discipline Chair to determine the process may include the choice to:
  - a) Recommend mediation;
  - b) Make a decision;
  - c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.

## **Decision**

21. After hearing and/or reviewing the matter, the Discipline Chair(s) will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Chair(s) written decision, with reasons, will be distributed to all Parties, the and the OUS. In extraordinary circumstances, the Discipline Chair(s) may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the

Discipline Chair(s).

## **Sanctions**

22. The Discipline Chair(s) may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the OUS
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all OUS activities for a designated period of time
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the OUS or from other sources
- i) Expulsion from the OUS
- j) Any other sanction considered appropriate for the offense

23. Unless the Discipline Chair(s) decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Discipline Chair(s) will result in an automatic suspension until such time as compliance occurs.

24. Records of all decisions will be maintained by the OUS.

## **Suspension Pending a Hearing**

25. The OUS may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Chair(s).

## **Criminal Convictions**

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

- a) Any child pornography offences

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

### **Confidentiality**

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

### **Timelines**

28. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Chair(s) may direct that these timelines be revised.

### **Records and Distribution of Decisions**

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

30. All decisions of the Discipline Chair are final subject to limited grounds of appeal contained in the Appeals Policy.

## **APPEAL POLICY**

### **Purpose**

1. The purpose of this policy is to enable disputes with members and participants to be dealt with fairly, expeditiously and affordably, with OUS and without recourse to external legal procedures

### **Application of Policy**

2. In this policy, the term Member refers to all categories of member as defined by the By-laws of OUS, as well as individuals engaged in activities with OUS, including but not limited to directors, officers, student-athletes, coaches and volunteers.
3. A member who is affected by a decision of the OUS or an individual who has been delegated authority to make decisions on behalf of the OUS executive, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 8 of this policy.
4. This right to appeal does not apply to decisions relating to:
  - a. Infraction for doping offences, which are dealt with through the Canadian Anti-Doping Program
  - b. Discipline matters arising during events organized by entities other than OUS
  - c. Eligibility or team selection matters with the jurisdiction of each Team
  - d. Matters of budgeting, budget implementation, operational structure
  - e. Matters decided by the general membership of OUS such as approval and amendment of the Constitution and By-laws;
  - f. Matters that are set out in the Letter of Understanding
  - g. Commercial matters for which another dispute resolution process exists under either a contract or applicable law
  - h. Any decision made under Section 9 and 10 of this policy

### **Timing of Appeal**

5. A member who wished to appeal a decision will have 14 days from the date on which they have received notice of the decision, to submit in writing notice of their intention to appeal to the president.
6. The notice will contain the contact information for the appellant, the name of the respondent, grounds for the appeal, a summary of the evidence that supports these grounds, the remedy or remedies requested.
7. The OUS will appoint an individual to administer the appeal.
8. Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
  - a. Making a decision for which it did not have the authority or jurisdiction as set out in governing documents
  - b. Failing to allow procedures as laid out in the By-Laws or approved policies of OUS
  - c. Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or made a decision that was influenced by factors unrelated to the merits of the decision; or
  - d. Making a decision that is grossly unreasonable or unfair

### **Screening of Appeal**

9. Within 14 days of receiving the notice of an appeal, the individual appointed to administer the appeal will determine whether there is a right of appeal and appropriate ground for the appeal to proceed, as set out in Section 4 and 8.
10. If the appeal is denied on the basis of insufficient grounds, the appellant will be notified of this decision in writing with reasons for the denial. This decision may not be appealed.

### **Appeals Panel**

11. If the individual appointed to administer the appeal is satisfied that there is right of appeal and there are sufficient grounds for an appeal, within 30 days of the president having received the original notice of appeal, an Appeals Panel (the "Panel") will be established. The Panel will be comprised of up to three individuals who will have no significant

relationship with the affected parties, will have had no involvement with the decision being appealed and will be free from any other actual or perceived bias or conflict

### **Preliminary Conference**

12. The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters may be considered at a preliminary conference include:
- a. Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both)
  - b. Timelines for exchange of documents
  - c. Clarification of issues in dispute
  - d. Identification of affected parties
  - e. Clarification of evidence to be presented to the Panel
  - f. Order and procedure of hearing
  - g. Location of hearing, where the hearing is an oral hearing
  - h. Identification of witnesses
  - i. Any other procedural matter that may assist in expediting the appeal proceedings

### **Procedure for the Hearing**

13. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
- a. The hearing will be held within 30 days of the Panel's appointment
  - b. The Appellant and Respondent will be given 10 days written notice of the date, time and place of hearing
  - c. If the decision of the Panel may affect another party to the extent that the other party would have recourse to an appeal in their own right under this policy, that party will become a party to the appeal in question and will be bound by this outcome
  - d. A representative or advisor, including legal counsel, may accompany any of the parties at the party's own expense
  - e. The Panel may direct that any other person participate in the appeal

14. In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference.

**Procedure For Documentary Appeal**

15. Where the Panel has determined that the appeal will be held by way of documentary submission, it will govern the appeal by such procedure.

## EVENT DISCIPLINE PROCEDURE

*\*\* This Event Discipline Procedure does not supersede or replace the OUS's Discipline and Complaints Policy \*\**

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *"Event"* – An OUS-sanctioned event
  - b) *"Individuals"* – All categories of membership defined in the OUS's Bylaws, as well as all individuals engaged in activities with, the OUS including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of the OUS, spectators at events, and parents/guardians of athletes

### Purpose

2. The OUS is committed to providing a competition environment in which all Individuals are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

### Scope and Application of this Policy

3. This Procedure will be applied to all the OUS-sanctioned Events unless the Event host states any modifications to this Procedure (and the reasons for those modifications) in the Event's registration or invitation package. Changes to this Procedure must also be outlined in the event host's sanctioning request, when applicable.
4. If the Event is being sanctioned by a governing organization, or a national or regional Games federation, or an international federation, the Event Discipline Procedure of the sanctioning organization will replace this procedure. Incidents involving Individuals connected with the OUS (such as OUS athletes, coaches, members, and Directors and Officers) must still be reported to the OUS to be addressed under the OUS's *Discipline and Complaints Policy*, if necessary.
5. This Procedure does not replace or supersede the OUS's *Discipline and Complaints Policy*. Instead, this Procedure works in concert with the *Discipline and Complaints Policy* by outlining, for a designated person with authority at an OUS-sanctioned event, the procedure

for taking immediate, informal, or corrective action in the event of a possible violation of the OUS's *Code of Conduct and Ethics*.

### **Misconduct During Events**

6. Incidents that violate or potentially violate the OUS's *Code of Conduct and Ethics*, which can occur during a competition, away from the area of competition, or between parties connected to the Event, shall be reported to a designated person (usually the head official or on-site convenor) responsible at the Event.
7. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated the OUS's *Code of Conduct and Ethics*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated the
  - b) and secure statements from any witnesses to the alleged violation
  - c) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate
  - d) The panel will secure a statement from the person(s) accused of the violation
  - e) The panel will render a decision and determine a possible penalty
  - f) The Chairperson of the panel will inform all parties of the panel's decision
8. The penalty determined by the panel may include any of the following, singularly or in combination:
  - a) Oral or written warning
  - b) Oral or written reprimand
  - c) Suspension from future competitions at the Event
  - d) Ejection from the Event
  - e) Other appropriate penalty as determined by the panel
9. The panel does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the panel's decision shall be submitted to the OUS following the conclusion of the Event. Further discipline may then be applied per

the OUS's *Discipline and Complaints Policy* if necessary.

10. Decisions made in the scope of this Procedure may not be appealed.

11. This Procedure does not prohibit other Individuals from reporting the same incident to the OUS to be addressed as a formal complaint under the OUS's *Discipline and Complaints Policy*.

12. The OUS shall record and track all reported incidents.

# SOCIAL MEDIA POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Social media*” – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, and Twitter.
  - b) “*Individuals*” – Individuals engaged in activities with, the OUS including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, medical and paramedical personnel, and Directors and Officers of the OUS
  - c) “*Discipline Chair or Case Manager*” – The person or organization appointed by the OUS to oversee management and administration of complaints, as applicable.

## Preamble

2. The OUS is aware that Individual interaction and communication occurs frequently on social media. The OUS cautions Individuals that any conduct falling short of the standard of behaviour required by the OUS’s *Code of Conduct and Ethics* will be subject to the disciplinary sanctions identified within the OUS’s *Discipline and Complaints Policy*.

## Application of this Policy

3. This Policy applies to all Individuals as defined in the Definitions.

## Conduct and Behaviour

4. Per the OUS’s *Discipline and Complaints Policy* and *Code of Conduct and Ethics*, the following social media conduct may be considered minor or major infractions at the discretion of the Discipline Chair or Case Manager:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, at the OUS, or at other individuals connected with the OUS
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at an Individual, at

the OUS, or at other individuals connected with the OUS

- c) 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 the OUS, its stakeholders, or its reputation
  - d) Inappropriate personal or sexual relationships between Individuals who have a power imbalance in their interactions, such as between athletes and coaches, Directors and staff, officials and athletes, etc.
  - e) Any instance of cyber-bullying or cyber-harassment between one Individual and another Individual (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.
5. All conduct and behaviour occurring on social media may be subject to the OUS's *Discipline and Complaints Policy* at the discretion of the Discipline Chair

### **Individuals Responsibilities**

- 6. Individuals acknowledge that their social media activity may be viewed by anyone; including the OUS.
- 7. If the OUS unofficially engages with an Individual in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask the OUS to cease this engagement.
- 8. When using social media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with the OUS.
- 9. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the OUS's *Discipline and Complaints Policy*.
- 10. An individual who believes that an Individual's social media activity is inappropriate or may violate the OUS's policies and procedures should report the matter to the OUS in the manner outlined by the OUS's *Discipline and Complaints Policy*.

# CONFLICT OF INTEREST POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Conflict of Interest*” – Any situation in which a Representative’s decision-making, which should always be in the best interests of the OUS, is influenced or could be influenced by personal, family, financial, business, or other private interests
  - b) “*Pecuniary Interest*” - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated
  - c) “*Non-Pecuniary Interest*” - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss
  - d) “*Representatives*” – Individuals engaged in activities on behalf of, the OUS including: convenors, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of the OUS

## Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the OUS. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the OUS. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the OUS is connected to their own personal interests. That would be a conflict of interest situation.

## Purpose

3. The OUS strives to reduce and eliminate nearly all instances of conflict of interest at the OUS – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Representatives will conduct themselves in matters relating to conflict of interest, and will clarify how Representatives shall make decisions in situations where conflict of interest may exist.
4. This Policy applies to all Representatives.

## Obligations

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between a Representative's personal interest and the interests of the OUS, shall always be resolved in favour of the OUS.
6. Representatives will not:
  - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the OUS, unless such business, transaction, or other interest is properly disclosed to the OUS and approved by the OUS
  - b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment
  - c) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise
  - d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the OUS, if such information is confidential or not generally available to the public
  - e) Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the OUS, or in which they have an advantage or appear to have an advantage on the basis of their association with the OUS
  - f) Without the permission of the OUS, use the OUS's property, equipment, supplies, or services  
for activities not associated with the performance of their official duties with the OUS
  - g) Place themselves in positions where they could, by virtue of being an OUS Representative, influence decisions or contracts from which they could derive any direct or indirect benefit

- h) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an OUS Representative

### **Disclosure of Conflict of Interest**

- 7. Representatives shall disclose real or perceived conflicts of interest to the OUS's Board immediately upon becoming aware that a conflict of interest may exist.

### **Minimizing Conflicts of Interest in Decision-Making**

- 8. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an OUS Representative will be considered and decided with the following additional provisions:
  - a) The nature and extent of the Representative's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted
  - b) The Representative does not participate in discussion on the matter
  - c) The Representative abstains from voting on the decision
  - d) For Board-level decisions, the Representative does not count toward quorum
  - e) The decision is confirmed to be in the best interests of the OUS

### **Conflict of Interest Complaints**

- 9. Any person who believes that a Representative may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the OUS's Board who will decide appropriate measures to eliminate the conflict. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest:
  - a) Removal or temporary suspension of certain responsibilities or decision-making authority
  - b) Removal or temporary suspension from a designated position
  - c) Removal or temporary suspension from certain teams, events, and/or activities

d) Expulsion from the OUS

e) Other actions as may be considered appropriate for the real or perceived conflict of interest

10. Any person who believes that a Representative has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the OUS to be addressed under the OUS's *Discipline and Complaints Policy*.

11. Failure to comply with an action as determined by the Board will result in automatic suspension from the OUS until compliance occurs.

12. The Board may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

### **Enforcement**

13. Failure to adhere to this Policy may permit discipline in accordance with the OUS's *Discipline and Complaints Policy*.

# TRANS INCLUSION POLICY

## Guiding Principles

1. The OUS supports the recommendations outlined in *Creating Inclusive Environments for Trans Participants in Canadian Sport*, the guidance document developed by the Trans Inclusion in Sport Expert Working Group and published by the Canadian Centre for Ethics in Sport (CCES). The OUS adopts the best practices outlined in the document and has used the four Policy Guidance statements in the development of this *Trans Inclusion Policy*. The Policy Guidance statements are:

- a) Individuals participating in development and recreational sport (LTAD stages Active Start, FUNdamental, Learn to Train, Train to Train, Train to Compete (until international federation rules apply) and Active for Life) should be able to participate in the gender with which they identify and not be subject to requirements for disclosure of personal information beyond those required of cisgender athletes. Nor should there be any requirement for hormonal therapy or surgery
- b) Hormone therapy should not be required for an individual to participate in high-performance sport (LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win) in the gender category that is consistent with their gender identity, unless the sport organization can prove that hormone therapy is a reasonable and bona fide requirement
- c) Individuals should not be required to disclose their trans identity or history to the sport organization in order to participate in high-performance sport (LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win) unless there is a justified reason requiring them to do so.
- d) Surgical intervention should not be required for an individual to participate in high-performance sport (LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win) in the gender category that is consistent with their gender identity

## Definitions

2. The following terms have these meanings in this document:

- a) “*Cisgender*” – A term to describe a person whose gender identity corresponds

with their birth-assigned sex (e.g., someone whose gender identity is male and was assigned male at birth)

- b) “*Gender*” – The socially constructed roles, behaviours, activities and attributes that a society assigns to masculinity or femininity
- c) “*Gender Expression*” – The way an individual communicates their gender identity to others. This is done through behaviour, body language, voice, emphasis or de-emphasis of bodily characteristics, choice of clothing, hairstyle, and wearing make-up and/or accessories. The traits and behaviours associated with masculinity and femininity are culturally specific and change over time
- d) “*Gender Identity*” – A person’s innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. Gender also refers to a variety of social and behavioural characteristics (e.g., appearance, mannerisms). There are lots of words people may use to talk about their gender identity and expression
- e) “*Gender reassignment*” – Medically-supervised program of treatment to transition a person’s body to align with their gender identity through hormone therapy and/or surgery
- f) “*Intersex*” – Refers to a combination of features that distinguish male and female anatomy
- g) “*Sex*” – The classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person’s reproductive system, hormones, chromosomes and other physical characteristics, most notably by external genitalia
- h) “*Trans*” – An umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective), or gender non-conforming (gender diverse or genderqueer).
- i) “*Transgender Female*” – Someone who was assigned the male sex at birth, but

whose genderidentity is female

- j) “*Transgender Male*” – Someone who was assigned female sex at birth, but whose gender identity is male

### **Purpose**

- 3. The OUS believes that all individuals deserve respectful and inclusive environments for participation that value the individual’s gender identity and gender expression. The OUS wants to ensure that all participants have access to programming and facilities in which they feel comfortable and safe. The OUS is committed to implementing this policy in a fair and equitable manner.

### **Actions for Inclusion**

- 4. The OUS pledges to:
  - a) Provide this *Policy* to OUS staff, Directors and Members and provide education on the importance of trans inclusion and what this entails in terms of practices, policies, procedures and norms of behaviour.
  - b) Provide registration forms and other documents that allow:
    - i. the individual to indicate their gender identity and expression, rather than their sex or gender; and
    - ii. the individual to abstain from indicating a gender identity with no consequence to the individual
  - c) Maintain organizational documents and the OUS website in a manner that promotes inclusivelanguage and images
  - d) Refer to individuals by their preferred name and pronoun
  - e) Work with trans athletes on the implementation, monitoring and/or modification of this Policy
  - f) When the OUS has the authority to determine participants’ use of washrooms, change rooms, and other facilities, the OUS will permit individuals to use the facilities of their gender identity
  - g) Ensure uniforms and dress codes that respect an individual’s gender identity and gender expression

- h) Determine Eligibility Guidelines for transgender participants (as described in this Policy)

### **Eligibility Guidelines - Exceptions**

- 5. When applicable, the eligibility guidelines of the international federation, and/or any major Games regarding trans athlete participation will supersede the eligibility guidelines as outlined in this Policy.

### **Eligibility Guidelines**

- 6. As a general guiding principle for the OUS's eligibility guidelines, the OUS supports the following statement from *Creating Inclusive Environments for Trans Participants in Canadian Sport*:

*Based on this background and available evidence, the Expert Working Group felt that trans athletes should be able to participate in the gender with which they identify, regardless of whether or not they have undergone hormone therapy. Exceptions could be made if a sport organization is able to provide evidence that demonstrates hormone therapy is a reasonable and bona fide requirement (i.e., a necessary response to a legitimate need) to create a fair playing field at the high-performance level (p. 19)*

- 7. At both recreational and competitive levels, an individual may participate in their expressed and identified gender category. Individuals are not required to disclose their trans identity or history to the OUS or any of the OUS's representatives (e.g., coaches, staff, Directors, officials, etc.).
- 8. All athletes must be aware that they may be subject to doping control testing pursuant to the Canadian Anti-Doping Program. Trans athletes undergoing gender reassignment are encouraged to contact the Canadian Centre for Ethics in Sport (CCES) to determine what procedures, if any, are required to obtain a Therapeutic Use Exemption (TUE).

### **Confidentiality**

- 9. The OUS will not disclose to outside parties any documentation or information about an individual's gender identity and expression. A trans individual's privacy and confidentiality will be respected.

## **Ongoing Monitoring**

10. The OUS commits to monitoring ongoing developments regarding national and international participation guidelines for trans athletes and pledges to monitor the implementation, review and/or revise this Policy whenever new information becomes available.

## **Resolving Gender Identity and Expression Issues**

11. Should an individual feel they have been subject to, or witness, discrimination, bullying, harassment, sexual harassment, vilification or victimization based on gender identity or expression, they should take appropriate action through the OUS's *Discipline and Complaints Policy*. Should the individual not feel safe in doing so, they should seek assistance from the Board for advice and support or action on their behalf.

## **Appeal**

12. Any decision rendered by the OUS in accordance with this Policy may be appealed in accordance with the OUS's *Appeal Policy*.

## PRIVACY POLICY

1. This policy describes the way that the OUS collects, uses, safeguards, discloses and disposes of personal information, and states the OUS's commitment to collecting, using and disclosing personal information responsibly.
2. In this Policy: "*Personal Information*" – any information about an individual that relates to the person's personal characteristics including, but not limited to: gender, age, income, home or school address or phone number, ethnic background, family status, health history, student numbers, and health conditions.
3. Representatives of the OUS will not:
  - a) Disclose personal information to a third party unless such transaction is properly consented to in accordance with this Policy;
  - b) Knowingly place themselves in a position where they are under obligation to any organization to disclose personal information;
  - c) In the performance of their official duties, disclose personal information to family members, friends or colleagues, or to organizations in which their family members, friends or colleagues have an interest;
  - d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with the OUS; or Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of Personal Information.
4. Personal information may be collected by the OUS for purposes that include, but are not limited to, the following:
  - a) League administration;
  - b) Receiving communications from the OUS in regards to e-news, emails, bulletins, donation requests, invoices, notifications, merchandise sales, newsletters, programs, events and activities;
  - c) Database entry at the Coaching Association of Canada to determine level of coaching certification and qualifications;
  - d) Determination of eligibility;

- e) Promotion and sale of merchandise;
- f) Medical emergency;
- g) Technical monitoring, coach/club review, officials training, educational purposes, media publications, and sport promotion;
- h) Purchasing equipment, manuals, resources and other products;
- i) Publishing articles, media relations and posting on the OUS website, displays or posters;
- j) Determination of membership demographics;
- k) Posting images, likeness or other identifiable attributes to promote the OUS on its website, displays or posters.