

**Swim PEI Inc.**  
**SAFE SPORT POLICIES**

**STATEMENT ON SAFE SPORT**



Swim PEI 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 Canadian Swimming community.

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

The 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 they are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

Should any individuals involved with Swim PEI including but not limited to Athletes, coaches, officials, volunteers, and parents/guardians of Athletes, wish to report any instance of misconduct or maltreatment, they may do so directly to Swim PEI, which will then determine the appropriate forum and manner to address the complaint.

Swim PEI also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Although only National organizations are required to integrate the UCCMS into their policies at this time, Swim PEI recognizes the benefits of aligning its policies with the National standard. These Safe Sport Policies incorporate the key elements of the current version of the UCCMS as follows (which are indicated by an \* within the policy):

| <b><u>UCCMS v. 5.1 Section</u></b> | <b><u>Safe Sport Manual</u></b>                                     |
|------------------------------------|---|
| Section 1.2 – General Principles   | Discipline and Complaints Policy para. 2                            |
| Section 1.3 – Consensus Statements | Safe Sport Policy para. 2   |
| Definitions (related to conduct)   | Definitions – Conduct   |
| Definitions (unrelated to conduct) | Definitions – Policy  |
| Scope and Application 2.12         | Code of Conduct para. 4<br>Discipline and Complaints Policy para. 6 |
| Scope and Application 2.13         | Code of Conduct para. 10a   |
| Scope and Application 2.14         | Code of Conduct para. 7-8   |
| Scope and Application 2.15         | Code of Conduct para. 9   |
| Scope and Application 2.16         | Investigation Procedure para. 6                                     |
| Maltreatment 2.2                   | Definitions – Conduct   |
| Retaliation 2.2.6.1.2              | Investigation Procedure para. 10                                    |
| Sanctions 3.1                      | Discipline and Complaints Policy para. 36                           |
| Considerations 3.2                 | Discipline and Complaints Policy para. 34-35                        |
| Presumptive Sanctions 3.3          | Discipline and Complaints Policy para. 37                           |
| Public Disclosure 3.4              | Discipline and Complaints Policy para. 47                           |

# INDEX

- Statement on Safe Sport 1
- Definitions – Conduct 3
- Definitions – Policy 11
- Safe Sport Policy 13
- Athlete Protection Policy 17
  - Appendix A – Image Consent Form..... 20
- Code of Conduct and Ethics 21
- Discipline and Complaints Policy 26
  - Appendix A – Investigation Procedure..... 33
- Dispute Resolution Policy 35
- Appeal Policy 36
- Event Discipline Policy 40
- Social Media Policy 42
- Screening Policy 45
  - Appendix A – Screening Requirements Matrix..... 51
  - Appendix B – Application Form..... 52
  - Appendix C – Screening Disclosure Form..... 53
  - Appendix D – Screening Renewal Form..... 55
  - Appendix E – Orientation and Training Acknowledgement Form..... 56
  - Appendix F – Request For Vulnerable Sector Check..... 57
- Whistleblower Policy 58
- Risk Management Policy 61

| Policy Title               | Date of Last Approval | Date of Next Review |
|----------------------------|-----------------------|---------------------|
| Safe Sport                 | 04.17.2024            |                     |
| Athlete Protection         |                       |                     |
| Code of Conduct and Ethics |                       |                     |
| Discipline and Complaints  |                       |                     |
| Dispute Resolution         |                       |                     |
| Appeal                     |                       |                     |
| Event Discipline           |                       |                     |
| Social Media               |                       |                     |
| Screening                  |                       |                     |
| Whistleblower              |                       |                     |
| Risk Management            |                       |                     |
| Reciprocation              |                       |                     |



**DEFINITIONS – CONDUCT**

*The terms defined below apply to all policies included in this Safe Sport Manual*

**\* Indicates a definition adapted from the UCCMS**

1. **Abuse** – Includes Psychological Maltreatment, Physical Maltreatment, Neglect, and/or Grooming of Vulnerable Participants by Persons in Authority and which can have the following warning signs:
  - 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.
  
2. **\*Consent** – *Consent* is defined in Canada’s *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The *Criminal Code* also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else’s behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn’t take proper steps to check if there was consent. Sexual activity with a Minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.
  
3. **\*Disclosure** - The sharing of information by a Participant regarding an incident or a pattern of Maltreatment experienced by that Participant. Disclosure does not constitute a formal report that initiates a process of investigation to address the Maltreatment.
  
4. **Discrimination** – Differential treatment of an individual based on one or more prohibited grounds which 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.

5. **\*Duty to Report**
  - a) **Concerns Under Child Protection Legislation:** A legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation. Everyone has a duty to report child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child Maltreatment if there is knowledge or suspicion that it is occurring. This is called the “duty to report.” Every person in Canada has the duty to report known or suspected child Maltreatment by law. Known or suspected abuse or Neglect of a child must be reported to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial/territorial social service ministries or departments, or local police
  - b) **Concerns Outside of Child Protection Legislation:** Participants have a duty to report concerns of inappropriate conduct of other Participants to uphold the ethical standards and values of Canadian sport. Reporting inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect Participants from Maltreatment is enacted.
  
6. **\*Grooming** – Deliberate conduct by a Participant to sexualize a relationship with a Minor that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the Participant will gain the trust of the Minor and protective adults and peers around the Minor often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the Minor in order to abuse or exploit the Minor. Grooming can occur whether or not harm is intended or results from the behaviour. (Grooming is also a prohibited behaviour listed under the definition of Maltreatment)
  
7. **Harassment** – A course of vexatious comment or conduct against a Participant or group, which is known or ought reasonably to 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:
    - a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
    - b. Groups where harassing behaviour is part of the normal course of activities

- c. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
- 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 Swim PEI.

8. **\*Maltreatment** – Includes Maltreatment related to:

- a) *Psychological Maltreatment* – which includes, without limitation, verbal acts, non- assaultive physical acts and acts that deny attention or support
  - a. Verbal Acts - Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.
  - b. Non-assaultive Physical Acts (no physical contact) - Physically aggressive behaviors, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others
  - c. Acts that Deny Attention or Support - Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; 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
- b) *Physical Maltreatment* – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm
  - a. Contact behaviours - Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects
  - b. Non-contact behaviours - Including but not limited to: isolating a person in a confined space; forcing a person 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 a Participant under the legal drinking age; providing illegal drugs or non-prescribed medications to a Participant; 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
- c) *Sexual Maltreatment* – includes, without limitation, any act targeting a person's sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples include:
  - a. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
    - a. vaginal penetration by a penis, object, tongue, or finger; and
    - b. anal penetration by a penis, object, tongue, or finger

- b. Any intentional touching of a sexual nature of any part of a person’s body, however slight, with any object or body part by a person upon another person, including but not limited to:
  - a. kissing;
  - b. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
  - c. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
  - d. making another touch themselves, the Participant, or someone else with or on any of the body parts listed in b).
  - e. any intentional touching in a sexualized manner of the relationship, context or situation
- c. In addition to the criminal acts identified above, the UCCMS prohibits sexual relations between an Athlete above the age of majority (depending upon jurisdiction) and a Participant who holds a position of trust and authority on the basis that there can be no Consent where there is a Power Imbalance. A Power Imbalance that is presumed to exist may be challenged
- d) *Neglect* – or acts of omission, includes 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 (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport’s rules, regulations, and standards, subjecting Participants to the risk of Maltreatment
- e) *Grooming* – is often a slow, gradual and escalating process of building trust and comfort with a young person. Grooming includes, without limitation, the process of 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). The Grooming process:
  - a. Grooming usually begins with subtle behaviours that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.
  - b. In the grooming process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person’s trust. Grooming then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to “accidental” sexual touching
  - c. The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned
- f) *Interference with or Manipulation of Process* – it is considered maltreatment if an adult Participant directly or indirectly interferes with a process by:

- a. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
  - b. destroying or concealing information;
  - c. attempting to discourage an individual's proper participation in or use of the processes of Swim PEI;
  - d. harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of Swim PEI;
  - e. publicly disclosing a Participant's identifying information, without the Participant's agreement;
  - f. failing to comply with any temporary or provisional measure or other final sanction;
  - g. distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
  - h. influencing or attempting to influence another person to interfere with or manipulate the process
- g) *Retaliation* – which means that a Participant shall not take an adverse action against any person for making a good faith Report of possible Maltreatment or for participating in any process related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of Swim PEI. 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
- h) *Aiding and Abetting* – which is 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:
- a. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Participants;
  - b. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
  - c. allowing any person to violate the terms of their suspension or any other sanctions imposed
- i) *Reporting* – it is considered Maltreatment to fail to report Maltreatment of a Minor. A legal Duty to Report is mandated by law, and the requirement varies by province depending on provincial legislation.
- a. Failure to Report Maltreatment of a Minor
    - a. The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant. The obligation to Report is an ongoing one and is not satisfied simply by making an initial Report. The obligation includes Reporting, on a timely basis, all relevant information of which an adult Participant becomes aware
    - b. The obligation to Report includes making a direct Report
    - c. The obligation to Report includes personally identifying information of a potential Minor Complainant to the extent known at the time of the Report, as well as a duty to reasonably supplement the Report as to identifying information learned at a later time
    - d. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect. Participants making a good faith Report are not required to prove the Reports are true before Reporting
  - b. Failure to Report Inappropriate Conduct

- a. Not all inappropriate conduct may meet the threshold for constituting Maltreatment. However, such inappropriate conduct may represent behavior with the risk of escalating to Maltreatment. Any Participant who suspects or becomes aware of another Participant's inappropriate conduct, even if it is not defined as Maltreatment, has a Duty to Report such inappropriate conduct through Swim PEI's internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures. The person making the report does not need to determine whether a violation took place: instead, the responsibility lies in reporting the objective behaviour.
  - c. Intentionally Filing a False Allegation
    - a. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur
    - b. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a violation.
9. **\*Neglect** – Any pattern or a single serious incident of lack of reasonable care, inattention to a Participant'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 Participant's needs and requirements, not whether harm is intended or results from the behaviour. (Neglect is also a prohibited behaviour listed under the definition of Maltreatment).
10. **\*Physical Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the Participant. Physical Maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Physical Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment).
11. **\*Power Imbalance** – A Power Imbalance may exist where, based on the totality of the circumstances, a Participant has supervisory, evaluative, a duty of care, or other authority over another Participant. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. Maltreatment occurs when this power is misused. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates or until the Athlete reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
12. **\*Psychological Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the Participant. Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. (Psychological Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
13. **\*Sexual Maltreatment**



- a) **Involving a Child:** Any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact. (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)
- b) **Involving a person over the Age of Majority:** Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a Participant without the Participant's Consent. It includes any act targeting a Participant's sexuality, gender identity or expression, that is committed, threatened or attempted against a Participant without that Participant's Consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party). (Sexual Maltreatment is also a prohibited behaviour listed under the definition of Maltreatment)

14. **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) Bullying;
- b) Workplace pranks, vandalism, bullying or hazing;
- c) Repeated offensive or intimidating phone calls or emails;
- d) Inappropriate sexual touching, advances, suggestions or requests;
- e) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- f) Psychological abuse;
- g) Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
- h) Deliberately withholding information that would enable a person to do their job, perform or train;
- i) Sabotaging someone else's work or performance;
- j) Gossiping or spreading malicious rumours;
- k) Intimidating words or conduct (offensive jokes or innuendos); and
- l) Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.

15. **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 assault; and
- k) Any attempt to engage in the type of conduct outlined above

**SWIM PEI**  
**DEFINITIONS – POLICY**

*The terms defined below apply to all policies included in this Safe Sport Manual*

**\* Indicates a definition adapted from the UCCMS**

1. **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
2. **Appellant** – The Party appealing a decision
3. **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*
4. **\*Athlete** – An individual who is an Athlete Participant in Swim PEI who is subject to the UCCMS and the policies of Swim PEI
5. **Board** – The Board of Directors of Swim PEI
6. **Case Manager** – An independent individual (or individuals) appointed by Swim PEI to receive and administer complaints under the *Discipline and Complaints Policy*
7. **Committee Member** – an individual elected or appointed to a committee
8. **\*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 *Code of Conduct and Ethics*
9. **Days** – Days including weekends and holidays
10. **Director** – An individual appointed or elected to the Board of Directors of Swim PEI
11. **Discipline Chair** – an individual appointed to handle the duties of the Discipline Chair as described in the *Discipline and Complaints Policy*.
12. **Event** – An event sanctioned by Swim PEI
13. **\*Minor** – Any Participant who is under the age of 18 at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor.
14. **\*Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of Swim PEI who are subject to the UCCMS and the policies of Swim PEI, as well as all people employed by, contracted by, or engaged in activities with, Swim PEI including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
15. **Parties** – the groups involved with a dispute. In the *Discipline and Complaints Policy*, the Parties are the Complainant and Respondent. In the *Appeal Policy*, the Parties are the Appellant, Respondent, and any Affected Party
16. **Person in Authority** – Any Participant who holds a position of authority within Swim PEI including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers
17. **\*Reporting (or Report)** – The provision of information in writing by any person or a Participant to a relevant independent authority (the independent person or position, such as a Case Manager, charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent.

18. **\*Respondent** – The Participant responding to a complaint or, in the case of an appeal, the body whose decision is being appealed.
19. **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.
20. **Vulnerable Participants** – Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority);
21. **Worker** – Any person who performs work for Swim PEI including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors.
22. **Workplace** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions

Swim PEI  
**SAFE SPORT POLICY**

**\* Indicates a section that has been adapted from the UCCMS**

**Purpose**

1. This Policy describes how Swim PEI aims to provide a safe sport environment.

**Commitment to a Sport Environment Free from Maltreatment**

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

**Conduct Standards**

3. Swim PEI will adopt a *Code of Conduct and Ethics* that describes standards of conduct and behaviour for all Participants. General standards of conduct will apply to all Participants and specific standards will be described for positions within Swim PEI. The *Code of Conduct and Ethics* will have specific sections, including but not limited, to:
  - a) Athletes
  - b) Coaches
  - c) Officials
  - d) Volunteers
  - e) Directors and Committee Members
  - f) Parents and Spectators
4. The *Safe Sport Policy Manual* will contain detailed definitions of key terms, including:
  - a) Maltreatment
  - b) Harassment
  - c) Discrimination
  - d) Workplace Harassment



- e) Workplace Violence

#### *Anti-Doping*

- 5. The *Code of Conduct and Ethics* will indicate that Swim PEI adopts and adheres to the Canadian Anti-Doping Program.

#### *Social Media*

- 6. Swim PEI will adopt a *Social Media Policy* that describes standards of conduct that are expected on social media by Participants. The *Social Media Policy* will indicate specific conduct standards and risks that are common and/or exclusive to social media.
- 7. The *Social Media Policy* will highlight the importance of responsible coach-athlete interaction on social media and will provide examples of violations of conduct standards.

### **Athlete Protection**

#### *Screening*

- 8. Swim PEI will adopt a comprehensive *Screening Policy* that requires some Participants to pass a screening process before being permitted to interact with athletes. The *Screening Policy* will:
  - a) Categorize positions in Swim PEI as ‘Low Risk’, ‘Medium Risk’, and ‘High Risk’ and require progressive screening measures for individuals serving in each category of risk
  - b) Describe how frequently some Participants must obtain a criminal record check and which type of check(s) they must obtain
  - c) Describe how frequently some Participants must submit Screening Disclosure Forms and Screening Renewal Forms
  - d) Empower a Screening Committee to prohibit Participants who do not pass screening from participating in certain positions
  - e) Empower a Screening Committee to attach conditions to a Participant’s participation in certain positions
- 9. Swim PEI will develop an *Athlete Protection Policy* that can be used by coaches, managers, medical personnel, and other Persons in Authority. Swim PEI may provide training on the policy and take steps to ensure the policy is being implemented. Swim PEI will conduct a regular review of the policy to add and/or modify new content as appropriate.

#### *Resources*

- 10. Swim PEI will regularly provide information to Participants about resources and training related to athlete protection. Resources and training opportunities can include:
  - a) [NCCP modules](#)
  - b) [Respect in Sport](#)
  - c) [Commit to Kids](#)
  - d) [Red Cross – Respect Education Courses](#)

#### *Athlete Engagement*

- 11. Swim PEI will engage with athletes to determine the level of success of their athlete protection measures as well as to identify any gaps or athlete concerns. This engagement may take the form of:
  - a) Anonymous athlete surveys
  - b) Athlete involvement in organizational decision-making
  - c) Independently-led athlete outreach consultations

### **Dispute Resolution**



12. Swim PEI will have a comprehensive suite of dispute resolution policies that will include:
- a) *Discipline and Complaints Policy*
  - b) *Appeal Policy*
  - c) *Dispute Resolution Policy*
  - d) *Event Discipline Procedure*
  - e) *Whistleblower Policy*
13. Taken together, the suite of dispute resolution policies will include the following features:
- a) An independent individual to whom complaints can be submitted
  - b) Sanctions for violations of conduct standards
  - c) Mechanism for suspension of individuals pending the conclusion of the process
  - d) Unbiased and experienced case managers, decision-makers and/or investigators
  - e) Protection from reprisal for submitting complaints
  - f) Anonymity for the complainant in cases of whistleblowers (when possible)
  - g) Independency of appeal procedures (when appeals are permitted)
  - h) Opportunity for alternative dispute resolution
  - i) Investigations of certain complaints
  - j) In-event discipline procedures (when an event does not have its own disciplinary procedures)

*Obligations – Reporting and Third-Party Case Management*

14. The policies of Swim PEI will include requirements that certain complaints must be reported to government entities, local police services, and/or child protection agencies.
15. The policies of Swim PEI will include requirements that complaints must be received by an independent third party that has no conflict of interest or bias.

*Records*

16. Swim PEI will retain records of decisions that have been made pursuant to Swim PEI's policies. These records may be shared with other individuals or organizations, including but not limited to, Sport PEI, national sport organizations, provincial/territorial sport organizations, multi-sport organizations, and government entities.

**Governance and Operations**

17. Swim PEI will have a comprehensive plan in which athlete protection and safe sport are top priorities for Swim PEI.
18. Swim PEI will adopt a *Risk Management Policy* that will describe how Swim PEI will address risks ranging from 'Unlikely' to 'Almost Certain' and from 'Minor' to 'Catastrophic'. Swim PEI will contemplate risk management strategies that retain, reduce, transfer, and/or avoid the risk. Risks can occur in the following areas:
- a) Operational/Program
  - b) Compliance
  - c) Communication
  - d) External
  - e) Governance
  - f) Financial
  - g) Health and Safety
19. Swim PEI will pursue a governance structure and organizational culture that reflects the diversity of the athletes and stakeholders within the sport, that adheres to all applicable federal and/or provincial/territorial legislation, and that moves toward a national alignment strategy for the sport in Canada.

20. Swim PEI will continually monitor and evaluate its policies, practices, and procedures.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |





## Swim PEI ATHLETE PROTECTION POLICY

### **Purpose**

1. This *Athlete Protection Policy* describes how Persons in Authority shall maintain a safe sport environment for all Athletes.

### **Interactions between Persons in Authority and Athletes – the ‘Rule of Two’**

2. For interactions between Persons and Authority and Athletes, Swim PEI strongly recommends the ‘Rule of Two’ for all Persons in Authority who interact with athletes. The ‘Rule of Two’ is a directive that says that an athlete must never be alone one-on-one with an unrelated Person in Authority.
3. Swim PEI recognizes that fully implementing the ‘Rule of Two’ may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) The training environment should be open and transparent so that all interactions between Persons in Authority and Athletes are observable
  - b) Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete
  - c) Persons in Authority shall not invite or have an unrelated Vulnerable Participant (or Vulnerable Participants) in their home without the written permission and contemporaneous knowledge of the Vulnerable Participant's parent or guardian
  - d) Vulnerable Participants must not be in any situation where they are alone with an unrelated Person in Authority without another screened adult or Athlete present unless prior written permission is obtained from the Vulnerable Participant’s parent or guardian

### **Practices and Competitions**

4. For practices and competitions, Swim PEI recommends:
  - a) A Person in Authority should never be alone with a Vulnerable Participant prior to or following a competition or practice unless the Person in Authority is the Vulnerable Participant’s parent or guardian
  - b) If the Vulnerable Participant is the first Athlete to arrive, the Athlete’s parent should remain until another Athlete or Person in Authority arrives
  - c) If a Vulnerable Participant would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant
  - d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority
  - e) Persons in Authority and Athletes should take steps to achieve transparency and accountability in their interactions. For example, a Person in Authority and an Athlete who know they will be away from other Participants for a lengthy period of time must inform another Person in Authority where they are going and when they are expected to return. Persons in Authority should always be reachable by phone or text message

### **Communications**

5. For communication between Persons in Authority and Athletes, Swim PEI recommends:
  - a) Group messages, group emails or team pages are to be used as the regular method of



communication between Persons in Authority and Athletes

- b) Persons in Authority may only send texts, direct messages on social media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone
- c) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such communication occurs, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian (when the Athlete is a Vulnerable Participant)
- d) Parents/guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or may request that certain information about their child not be distributed in any form of electronic communications
- e) All communication between a Person in Authority and Athletes must be between the hours of 6:00 am and midnight unless extenuating circumstances justify otherwise
- f) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted
- g) No sexually explicit language or imagery or sexually oriented conversation may be communicated in any medium
- h) Persons in Authority are not permitted to ask Athletes to keep a secret for them

### **Travel**

6. For travel involving Persons in Authority and Athletes, Swim PEI recommends:

- a) Teams or groups of Athlete shall always have at least two Persons in Authority with them
- b) For mixed gender teams or groups of Athletes, there should be one Person in Authority from each gender
- c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
- d) No Person in Authority may drive a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian
- e) A Person in Authority may not share a room or be alone in a hotel room with an Athlete unless the Person in Authority is the Athlete's parent/guardian or spouse
- f) Room or bed checks during overnight stays must be done by two Persons in Authority
- g) For overnight travel when Athletes must share a hotel room, roommates will be age-appropriate (e.g., within two years of age of one another) and of the same gender identity

### **Locker Rooms / Changing Areas**

7. For locker rooms, changing areas and other closed meeting spaces, Swim PEI recommends:

- a) Interactions between Persons in Authority and Athletes should not occur in any room where there is a reasonable expectation of privacy such as a locker room, washroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such room
- b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, for reasons including but not limited to team communications and/or emergencies

### **Photography / Video**

8. For all photography and video of an Athlete, Swim PEI recommends:

- a) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete

- b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited
- c) Examples of photos that shall be edited or deleted include:
  - i. Images with misplaced apparel or where undergarments are showing
  - ii. Suggestive or provocative poses
  - iii. Embarrassing images
- d) If any photographs or videos will be used on any form of public media, an Image Consent Form (**Appendix A**) must be completed before any images are taken and used

**Physical Contact**

9. Some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. For physical contact, Swim PEI recommends:
- a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that they are requesting to touch the Athlete and not requiring physical contact
  - b) Infrequent, non-intentional physical contact during a training session is permitted
  - c) Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as celebrating or crying after a poor performance), but this physical contact should always be limited to circumstances where the Person in Authority believes it is in the best interest of the Athlete and when it occurs in an open and observable environment.

**Enforcement**

10. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to the *Discipline and Complaints Policy*.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |



## Appendix A – Image Consent Form

Name of Participant (print): \_\_\_\_\_

1. I hereby grant to Swim PEI and Sport PEI (collectively the “Organizations”) on a worldwide basis, the permission to photograph and/or record the Participant’s image and/or voice on still or motion picture film and/or audio tape (collectively the “Images”), and to use the Images to promote the sport and/or Swim PEIs through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity.
2. I hereby fully release, discharge, and agree to save harmless Swim PEIs, for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriate of personality or invasion of privacy.
3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signature of Participant: \_\_\_\_\_

**OR**, if the Participant is younger than the age of majority

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_



## Swim PEI CODE OF CONDUCT AND ETHICS

**\* Indicates a section that has been adapted from the UCCMS**

### **Purpose**

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of Swim PEI by making Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with Swim PEI's core values and policies. Swim PEI supports equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

### **Application of this Code**

2. This Code applies to any Participant's conduct during the business, activities, and events of Swim PEI including, but not limited to competitions, practices, evaluations, treatment or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.
3. This Code also applies to Participants' conduct outside of the business, activities, and events of Swim PEI when such conduct adversely affects Swim PEI's relationships (and the work and sport environment) or is detrimental to the image and reputation of Swim PEI. Such applicability will be determined by Swim PEI at its sole discretion.
4. \*This Code applies to Participants active in the sport or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Participant was active in the sport.
5. In addition, breaches of this Code may occur when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
6. Any Participant who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, a Participant who violates this Code during a competition may be removed from the competition or training area, and the Participant may be subject to further sanctions.

### **Persons in Authority and Maltreatment**

7. \*When they are a Person in Authority, Participants are responsible for knowing what constitutes Maltreatment. The categories of Maltreatment are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, Harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.
8. \*Maltreatment can be any of the prohibited behaviours and conduct, provided the Maltreatment occurs in any one or a combination of the following situations (The physical location(s) where the alleged Maltreatment occurred is not determinative):
  - a) Within a sport environment;
  - b) When the Participant alleged to have committed Maltreatment was engaging in sport activities;
  - c) When the Participants involved interacted due to their mutual involvement in sport; or

- d) Outside of the sport environment where the Maltreatment has a serious and detrimental impact on another Participant.
9. \*It is a violation of the Code for sport administrators or other Persons in Authority to place Participants in situations that make them vulnerable to Maltreatment. This includes, but is not limited to, instructing an Athlete and coach to share a hotel room when traveling, hiring a coach who has a past history of Maltreatment, assigning guides and other support staff to a para-Athlete when the guide or support staff has a reputation for Maltreatment or assigning such a guide or support staff to a para-Athlete in the absence of consultation with the para-Athlete.

### **Responsibilities**

10. Participants have a responsibility to:
- a) \*Refrain from any behaviour that constitutes Maltreatment, Discrimination, Harassment, Workplace Harassment, or Workplace Violence
  - b) Maintain and enhance the dignity and self-esteem of other Participants 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 other Participants;
    - 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.
  - c) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force. More specifically, Swim PEI adopt and adhere to the Canadian Anti-Doping Program. Swim PEI will respect any sanction imposed on a Participant as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules
  - d) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules
  - 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, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of Swim PEI;
  - g) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or event;
  - h) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the events of Swim PEI (subject to any requirements for accommodation), not consume alcohol during training, competitions, or in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations
  - i) When driving a vehicle:
    - i. Have a valid driver's license;
    - ii. Not be under the influence of alcohol or illegal drugs or substances;
    - iii. Have valid car insurance; and
    - iv. Refrain from holding a mobile device.
  - j) Respect the property of others and not wilfully cause damage
  - k) Promote sport in the most constructive and positive manner possible
  - l) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a para-classification, competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition

- m) Adhere to all federal, provincial/territorial, municipal and host country laws
- n) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of Swim PEI, as applicable and as adopted and amended from time to time
- o) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to Swim PEI including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method

#### **Directors, Committee Members, and Staff**

11. In addition to section 10 (above), Directors, Committee Members, and staff of Swim PEI will have additional responsibilities to:
- a) Function primarily as a Director or Committee Member or staff member of Swim PEI and not as a member of any other organization or constituency
  - b) Ensure their loyalty prioritizes the interests of Swim PEI
  - c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - d) Comply with the *Screening Policy*
  - e) Conduct themselves openly, professionally, lawfully and in good faith
  - f) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
  - g) Behave with decorum appropriate to both circumstance and position
  - h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
  - 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 governance documents

#### **Coaches and Instructors**

12. In addition to section 10 (above), coaches and instructors 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, either consciously or unconsciously. Coaches and instructors will:
- a) \*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 they are coaching, or (ii) encourage inappropriate physical or emotional intimacy with an Athlete, regardless of the Athlete's age
  - b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes
  - c) 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
  - d) 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
  - e) Support the coaching staff of a training camp, provincial/territorial team, or national team, should an Athlete qualify for participation with one of these programs
  - f) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate

- g) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete
- h) Act in the best interest of the Athlete's development as a whole person
- i) Comply with the *Screening Policy*
- j) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions to Swim PEI, including those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method
- k) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of Minors, alcohol, cannabis, and/or tobacco
- l) Respect Athletes competing for other jurisdictions 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
- m) Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority
- n) Disclose any sexual or intimate relationship with an athlete over the age of 18 to Swim PEI and immediately discontinue any coaching involvement with that athlete
- o) 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
- p) Dress professionally
- q) Use inoffensive language, taking into account the audience being addressed

### **Athletes**

13. In addition to section 10 (above), Athletes will have additional responsibilities to:

- a) Adhere to their Athlete Agreement (if applicable)
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete
- c) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations
- d) 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
- e) Adhere to any rules and requirements regarding clothing and equipment
- f) Dress to represent the sport and themselves with professionalism
- g) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

14. In addition to section 10 (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
- c) Work within the boundaries of their position's description while supporting the work of other officials
- d) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations
- e) Take ownership of actions and decisions made while officiating
- f) Respect the rights, dignity, and worth of all Participants
- g) Act openly, impartially, professionally, lawfully, and in good faith
- h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others



- i) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Participants
- j) Comply with the *Screening Policy*
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or Swim PEI at the earliest possible time
- l) When writing reports, set out the actual facts to the best of their knowledge and recollection
- m) Dress in proper attire for officiating

**Parents/Guardians and Spectators**

**15.** In addition to section 10 (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 competition or practice
- d) Respect the decisions and judgments of officials, and encourage Athletes to do the same
- e) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- f) Respect and show appreciation to all competitors, and to coaches, officials and other volunteers
- g) Never harass competitors, coaches, officials, parents/guardians, or other spectators

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |

Swim PEI  
**DISCIPLINE AND COMPLAINTS POLICY**

**\* Indicates a section that has been adapted from the UCCMS**

**Purpose**

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Swim PEI. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

**Principles**

2. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
  - c) This Policy and its procedures will be:
    - i. Harmonized (applied to all Participants across Canada)
    - ii. Fair (procedural and substantive due process for all Participants)
    - iii. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
    - iv. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
    - v. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
    - vi. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
    - vii. Independent administration (free from all conflicts of interest)

**Application of this Policy**

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during the business, activities, and events of Swim PEI including, but not limited to, competitions, practices and training, treatment or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of Swim PEI, and any meetings.
5. This Policy also applies to Participants’ conduct outside of the business, activities, and events of Swim PEI when such conduct adversely affects the relationships (or the work and sport environment) of Swim PEI, is detrimental to the image and reputation of Swim PEI, or upon the acceptance of Swim PEI. Accordingly, applicability of this Policy will be determined by Swim PEI upon its sole discretion.
6. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).

7. Applicability of this Policy will be determined by Swim PEI at its sole discretion and shall not be subject to appeal.
8. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions 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 may be for the duration of the competition, training, activity, or event only.
9. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Swim PEI 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.

### **Minors**

10. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Case Manager, Discipline Chair or Discipline Panel (as applicable) must be directed to the Minor's representative.
12. A Minor is not required to attend an oral hearing, if held.

### **Reporting a Complaint**

13. Any person may report a complaint to Swim PEI or to Swim PEI's Case Manager (when identified). If a Case Manager has not been previously identified, Swim PEI will appoint an independent Case Manager and direct that person to receive the complaint.
14. At its discretion, Swim PEI may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Swim PEI will identify an individual to represent Swim PEI.
15. Complaints or incident reports should be made in writing and the person making the complaint may contact Swim PEI's Case Manager for direction. The Case Manager may accept any report, in writing or not, at their sole discretion.

### **Case Manager Responsibilities**

16. Upon receipt of a complaint, the Case Manager has a responsibility to:
  - a) Determine the appropriate jurisdiction to manage the complaint and consider whether the complaint should be handled by another appropriate organization (such as a Club, provincial organization, national organization, or Sport PEI) or by Swim PEI. In making this decision, the Case Manager will consider whether the incident has occurred within the business, activities or events of Swim PEI;
  - b) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's decision to dismiss the complaint may not be appealed;
  - c) Propose the use of alternative dispute resolution techniques;
  - d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and/or
  - e) Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

**Process #1** - the Complainant alleges the following incidents:

- a) Disrespectful, abusive, racist, or sexist comments or behaviour
- b) Disrespectful conduct
- c) Minor incidents of violence (e.g., tripping, pushing, elbowing)
- d) Conduct contrary to the values of Swim PEI
- e) Non-compliance with Swim PEI's policies, procedures, rules, or regulations
- f) Minor violations of the *Code of Conduct and Ethics, Social Media Policy, or Athlete Protection Policy*

**Process #2** - the Complainant alleges the following incidents:

- a) Repeated minor incidents
- b) Any incident of hazing
- c) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- d) Major incidents of violence (e.g., fighting, attacking, sucker punching)
- e) Pranks, jokes, or other activities that endanger the safety of others
- f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- g) Conduct that intentionally damages Swim PEI's image, credibility, or reputation
- h) Consistent disregard for the bylaws, policies, rules, and regulations
- i) Major or repeated violations of the *Code of Conduct and Ethics*
- j) Intentionally damaging Swim PEI's property or improperly handling Swim PEI's monies
- k) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- l) A conviction for any *Criminal Code* offense
- m) Any possession or use of banned performance enhancing drugs or methods

**PROCESS #1: Handled by Discipline Chair**

**Discipline Chair**

17. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a Discipline Chair who may:

- 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.

18. Thereafter, the Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).

19. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.

20. Records of all sanctions will be maintained by Swim PEI.

**Request for Reconsideration**

21. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.



22. If there is a sanction, the sanction may not be appealed until the completion of a Request for Reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate.
23. Upon receiving a request for reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
24. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
25. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**PROCESS #2: Handled by Case Manager**

**Case Manager**

26. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Propose the use of alternative dispute resolution techniques
  - b) Appoint the Discipline Panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
27. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. The Case Manager may propose using alternative dispute resolution with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to attempt alternative dispute resolution (such as mediation or a negotiated settlement) the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three people may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
29. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing



- e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
- f) The decision will be by a majority vote of the Discipline Panel

30. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

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

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

### Decision

33. After hearing the matter, the Discipline Panel 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 Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, to Swim PEI. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued 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 Panel.

### Sanctions

34. \*Prior to determining sanctions, the Discipline Chair or Discipline Panel, 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;
- 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 of Swim PEI;
- 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 the *Code of Conduct and Ethics*; 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 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.

35. \*Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.

36. \*The Discipline Chair or Discipline Panel, 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 *Code of Conduct and Ethics* 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 *Code of Conduct and Ethics*
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. 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 Swim PEI. 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 sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Swim PEI and/or any sport organization subject to the UCCMS
- 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

37. \*The Discipline Chair or Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

38. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with Swim PEI. *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

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

40. Records of all decisions will be maintained by Swim PEI and sent to Sport PEI.

### Appeals

41. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.



**Suspension Pending a Hearing**

42. Swim PEI may determine that 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 Panel.

**Confidentiality**

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

44. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

**Timelines**

45. 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 Case Manager may direct that these timelines be revised.

**Records and Distribution of Decisions**

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

47. \*Swim PEI recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |





## Appendix A – Investigation Procedure

*\* Indicates a section that has been adapted from the UCCMS*

### Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

### Investigation

2. The Case Manager will appoint an Investigator. 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. Federal and/or Provincial/Territorial 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, Swim PEI's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

### Investigator's Report

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. \*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.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to Swim PEI.
8. 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 and Swim PEI to refer the matter to police.
9. The Investigator must also inform Swim PEI of any findings of criminal activity. Swim PEI may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's

Prohibited List currently in force), any sexual crime involving Minors, fraud against Swim PEI, or other offences where the lack of reporting would bring Swim PEI into disrepute.

### **Reprisal and Retaliation**

10. \*A Participant who submits a complaint to Swim PEI or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

### **False Allegations**

11. A Participant 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 *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. Swim PEI or the Participant against whom the allegations were submitted, may act as the Complainant.

### **Confidentiality**

12. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Swim PEI recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

Swim PEI  
**DISPUTE RESOLUTION POLICY**

**Purpose**

1. Swim PEI 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.
2. Swim PEI encourages all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Swim PEI believes that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

**Application of this Policy**

3. This Policy applies to all Participants.
4. 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.

**Facilitation and Mediation**

5. 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.
6. 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.
7. Should a negotiated settlement be reached, the settlement shall be reported to Swim PEI. 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.
8. 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 *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

**Final and Binding**

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

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |



Swim PEI  
**APPEAL POLICY**

**Purpose**

1. This *Appeal Policy* provides Participants with a fair and expedient appeal process.

**Scope and Application of this Policy**

2. This Policy applies to all Participants.
3. Any Participant who is directly affected by a decision made by Swim PEI 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.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of Interest
  - d) Discipline
  - e) Membership
5. This Policy **will not apply** to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than Swim PEI
  - e) Substance, content and establishment of team selection or carding criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Budgeting and budget implementation
  - h) Swim PEI's operational structure and committee appointments
  - i) Decisions or discipline arising within the business, activities, or events organized by entities other than Swim PEI (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Swim PEI at its sole discretion)
  - j) Commercial matters for which another appeals process exists under a contract or applicable law
  - k) Decisions made under this Policy

**Timing of Appeal**

6. 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:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds
  - i) Requested remedy or remedies

- j) An administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld
7. 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.

### **Submitting an Appeal**

8. Appeals of decisions made by Swim PEI can be submitted to Swim PEI to be heard pursuant to this Policy.

### **Grounds for Appeal**

9. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
  - d) Made a decision that was patently unreasonable

### **Screening of Appeal**

10. The parties may first attempt to resolve the appeal through the *Dispute Resolution Policy*.
11. Appeals resolved under the *Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
12. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Swim PEI or the Provincial/Territorial Organization will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
- a) To determine if the appeal falls under the scope of this Policy
  - b) To determine if the appeal was submitted in a timely manner
  - c) To decide whether there are sufficient grounds for the appeal
13. 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.
14. 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.

### **Determination of Affected Parties**

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

### **Procedure for Appeal Hearing**

15. 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.

16. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
17. 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:
  - a) The hearing will be held within a timeline determined by the Appeal Manager
  - b) 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.
  - c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - e) The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
  - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
  - g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become an Affected Party to the appeal in question and will be bound by its outcome
  - h) The decision to uphold or reject the appeal will be by a majority vote of Panel members
18. In fulfilling its duties, the Panel may obtain independent advice.

### **Appeal Decision**

19. 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.
20. 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:
  - a) Reject the appeal and confirm the decision being appealed;
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
  - c) Uphold the appeal and vary the decision.
21. 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.
22. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and Swim PEI. 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.

### **Timelines**

23. 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.

**Confidentiality**

24. 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.

**Final and Binding**

25. No action or legal proceeding will be commenced against Swim PEI or Participants in respect of a dispute, unless Swim PEI has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |



Swim PEI  
**EVENT DISCIPLINE POLICY**

\*\* This *Event Discipline Policy* does not supersede or replace the *Discipline and Complaints Policy* \*\*

**Purpose**

1. Swim PEI is committed to providing a competition environment in which all Participants are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

**Scope and Application of this Policy**

2. This Procedure will be applied to all Events sanctioned by Swim PEI.
3. If the Event is being sanctioned by an organization other than Swim PEI (e.g., Swim Canada, FINA), the procedures for event discipline of the host organization will replace this procedure. Incidents involving Participants connected with Swim PEI (such as Athletes, coaches, and Directors and Officers) must still be reported by the head coach or team representative to Swim PEI to be addressed under the *Discipline and Complaints Policy*, if necessary.
4. This Procedure does not replace or supersede the *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 event sanctioned by Swim PEI, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of the *Code of Conduct and Ethics*.

**Misconduct During Events**

5. Incidents that violate or potentially violate the *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 by the head coach or team representative to a designated person responsible at the Event.
6. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated the *Code of Conduct and Ethics*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated the *Code of Conduct and Ethics*
  - b) Convene a jury of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether the *Code of Conduct and Ethics* has been violated. The designated person at the Event may serve on the jury
  - c) The jury will interview and secure statements from any witnesses to the alleged violation
  - d) 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
  - e) The jury will secure a statement from the person(s) accused of the violation
  - f) The jury will render a decision and determine a possible penalty
  - g) The Chairperson of the jury will inform all parties of the jury's decision
7. The penalty determined by the jury 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 jury

8. The jury 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 jury’s decision shall be submitted to Swim PEI by the Chair of the jury following the conclusion of the Event. Further discipline may then be applied in accordance with the *Discipline and Complaints Policy*, if necessary.
9. Decisions made pursuant to this Policy may not be appealed.
10. This Policy does not prohibit other Participants from reporting the same incident to Swim PEI to be addressed as a formal complaint under the *Discipline and Complaints Policy*.
11. Swim PEI shall record and maintain records of all reported incidents.

**Timeliness**

12. The procedures outlined in this Procedure are Event-specific and therefore shall be exercised and implemented as soon as it is reasonable to do so. The final decision of the jury must be reached and communicated to the Parties prior to the conclusion of the event in order for it to be effective.
13. Decisions issued by the jury after the conclusion of the event will not be enforceable.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |

Swim PEI  
**SOCIAL MEDIA POLICY**

**Preamble**

1. Swim PEI is aware that Participant interaction and communication occurs frequently on social media. Swim PEI cautions Participants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

**Application of this Policy**

2. This Policy applies to all Participants.

**Conduct and Behaviour**

3. Per the *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 Independent Case Manager:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at a Participant, at Swim PEI or at other individuals connected with Swim PEI
  - b) 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 Swim PEI or at other individuals connected with Swim PEI
  - 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 Swim PEI or its stakeholders or reputation
  - d) 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.
4. All conduct and behaviour occurring on Social Media may be subject to the *Discipline and Complaints Policy*.

**Participants Responsibilities**

5. Participants should be aware that their social media activity may be viewed by anyone; including Swim PEI.
6. If Swim PEI 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 Swim PEI to cease this engagement.
7. When using Social Media, a Participant must model appropriate behaviour befitting the Participant's role and status in connection with Swim PEI.
8. Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Participant from being subject to the *Discipline and Complaints Policy*.
9. An individual who believes that a Participant's Social Media activity is inappropriate or may violate policies and procedures should report the matter to Swim PEI in the manner outlined by the *Discipline and Complaints Policy*.

## Organization Responsibilities

10. Swim PEI 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 *Code of Conduct and Ethics* and *Social Media Policy*.
11. Complaints and concerns about the behaviour of a Person in Authority or Athlete in Social Media can be addressed under the *Discipline and Complaints Policy*.

## Guidelines

12. 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 *Code of Conduct and Ethics*.
13. Given the nature of Social Media as a continually developing communication sphere, Swim PEI 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.

## Social Media Guidelines for Persons in Authority

14. Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:
  - a) 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
  - b) 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
  - c) Ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways
  - d) 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
  - e) 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
  - f) Annually review and update the privacy settings on all your Social Media accounts
  - g) Consider monitoring or being generally aware of Athletes' public Social Media behaviour to ensure compliance with *Code of Conduct and Ethics* and this Policy
  - h) Never demand access to an Athlete's private posts on Twitter, Instagram, or Facebook
  - i) Do not send friend requests to Athletes. Never pressure Athletes to send you a friend request or follow your Social Media accounts
  - j) 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
  - k) 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
  - l) Do not identify Minor Athletes on publicly available Social Media
  - m) Seek permission from adult Athletes before identifying them on publicly available Social Media
  - n) Avoid adding Athletes to Snapchat and do not send snapchats to Athletes
  - o) Do not post pictures or videos of Minor Athletes on your private Social Media accounts



- p) 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
- q) 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)
- r) 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
- s) 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
- t) 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)
- u) 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
- v) 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
- w) Never misrepresent yourself by using a fake name or fake profile

**Social Media Guidelines for Athletes**

15. The following tips should be used by Athletes to inform their own strategy for Social Media use:

- a) Set your privacy settings to restrict who can search for you and what private information other people can see.
- b) 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.
- c) Avoid adding Persons in Authority to Snapchat and do not send snapchats to Persons in Authority.
- d) If you feel harassed by someone in a social medium, report it to your coach or another Persons in Authority with your organization.
- e) You do not have to join a fan page on Facebook or follow a Twitter feed or Instagram account.
- f) 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.
- g) Content posted to a social medium is almost always permanent – consider that other individuals may take screencaps of your content (even snapchats) before you can delete them.
- h) Avoid posting pictures of, or alluding to, participation in illegal activity such as: speeding, physical assault, harassment, drinking alcohol (if underage), and smoking marijuana.
- i) 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 *Code of Conduct and Ethics* and must follow that Code when you post material and interact with other people through Social Media.
- j) 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 *Discipline and Complaints Policy*.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |



Swim PEI  
**SCREENING POLICY**

**Definitions**

1. The following terms have these meanings in this Policy:
  - a) **Criminal Record Check (CRC)** – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
  - b) **Enhanced Police Information Check (E-PIC)** – a Criminal Record Check plus a search of Local Police Information, available from Sterling Backcheck
  - c) **Local Police Information (LPI)** – Additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought
  - d) **Vulnerable Sector Check (VSC)** – A detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, Local Police Information, and the Pardoned Sex Offender database

**Preamble**

2. Swim PEI understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the sport community.

**Application of this Policy**

3. This Policy applies to all individuals whose position with Swim PEI is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Participants.
4. Not all individuals associated with Swim PEI will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to Swim PEI or Participants. Swim PEI will determine which individuals will be subject to screening using the following guidelines (Swim PEI may vary the guidelines at its discretion):

Level 1 – Low Risk - Participants involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Participants. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular or informal basis

Level 2 – Medium Risk – Participants involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Participants. Examples:

- a) Athlete support personnel
- b) Non-coach employees or managers
- c) Directors
- d) Coaches who are typically under the supervision of another coach
- e) Officials

Level 3 – High Risk – Participants involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with finances, and who have frequent or unsupervised access to Vulnerable Participants. Examples:

- a) Full time coaches
- b) Coaches who travel with Athletes
- c) Coaches who could be alone with Athletes

### Screening Committee

5. The implementation of this policy is the responsibility of the Screening Committee which is a committee composed of either one (1) or three (3) members. Swim PEI will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately screen documents and render decisions under this Policy.
6. The Screening Committee is responsible for reviewing all documents submitted and, based on the review, making decisions regarding the appropriateness of individuals filling positions within Swim PEI. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person
7. Nothing in this Policy restricts or limits the Screening Committee from requesting that the individual attend an interview with the Screening Committee if the Screening Committee considers that an interview is appropriate and necessary to screen the individual's application.
8. Nothing in this Policy restricts or limits the Screening Committee from requesting the individual's authorization to contact any professional, sporting or other organization in order to assess the individual's suitability for the position that they are seeking.
9. Nothing in this Policy restricts or limits the Screening Committee from requesting further information from the individual on more than one occasion, subject to the individual's right to insist that the Screening Committee make a decision on the basis of the information before it.
10. The Screening Committee may, where appropriate, draw an adverse inference from an individual's failure to provide information or answer queries.
11. When assessing an individual's screening application, the Screening Committee shall determine whether there is reason to believe that the individual may pose a risk to Swim PEI or to another individual.
12. An individual having been previously penalized for a prior offence shall not prevent the Screening Committee from considering that offence as part of the individual's screening application.
13. If the Screening Committee determines on the basis of the individual's screening application, in addition to any further material received by it, that the individual does not pose a risk to the members of Swim PEI, the Screening Committee shall approve the individual's application, subject to the Screening Committee's right to impose conditions.
14. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall be provided to the applicant and to the Board of Directors of Swim PEI, which may disseminate the decision as they see fit in order to best fulfil the mandate of Swim PEI.
15. A Participant whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of Swim PEI for two (2) years from the date the rejected application was made.

### Screening Requirements

16. A Screening Requirements Matrix is provided as **Appendix A**.
17. It is the policy of Swim PEI that when an individual is first engaged by Swim PEI:
  - a) Level 1 individuals will:
    - i. Complete an Application Form (**Appendix B**)



- ii. Complete a Screening Disclosure Form (**Appendix C**)
  - iii. Participate in training, orientation, and monitoring as described in the Screening Requirements Matrix (**Appendix A**)
- b) Level 2 individuals will:
- i. Complete an Application Form
  - ii. Complete a Screening Disclosure Form
  - iii. Complete and provide an E-PIC
  - iv. Provide one letter of reference related to the position
  - v. Participate in training, orientation, and monitoring as described in the Screening Requirements Matrix (**Appendix A**)
  - vi. Provide a driver's abstract, if requested
- c) Level 3 individuals will:
- i. Complete an Application Form
  - ii. Complete a Screening Disclosure Form
  - iii. Complete and provide an E-PIC and a VSC
  - iv. Provide one letter of reference related to the position
  - v. Participate in training, orientation, and monitoring as described in the Screening Requirements Matrix (**Appendix A**)
  - vi. Provide a driver's abstract, if requested
- d) If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to Swim PEI. Additionally, the individual will inform Swim PEI of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
- e) If Swim PEI learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with the *Discipline and Complaints Policy*.

### Young People

18. Swim PEI defines a young person as someone who is younger than 18 years old. When screening young people, Swim PEI will:
- a) Not require the young person to obtain a VSC or E-PIC; and
  - b) In lieu of obtaining a VSC or E-PIC, require the young person to submit up to two (2) additional letters of reference.
19. Notwithstanding the above, Swim PEI may ask a young person to obtain a VSC or E-PIC if Swim PEI suspects the young person has an adult conviction and therefore has a criminal record. In these circumstances, Swim PEI will be clear in its request that it is not asking for the young person's *youth record*. Swim PEI understands that they may not request to see a young person's youth record.

### Renewal

20. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC, Screening Disclosure Form, or Screening Renewal Form, are required to submit the documents as follows:
- a) An E-PIC every three years
  - b) A Screening Disclosure Form every three years
  - c) A Screening Renewal Form (**Appendix D**) every year

d) A Vulnerable Sector Check once

21. At any time, including after either the submission of an individual's application or its approval (with or without conditions), the Screening Committee may re-open an individual's file for additional screening if it is advised of new information that, in the discretion of Swim PEI, could affect the assessment of the individual's suitability for participation in the programs or activities of Swim PEI, or the individual's interactions with other individuals involved with Swim PEI.

### **Orientation, Training, and Monitoring**

22. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the discretion of Swim PEI.
23. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/Athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
24. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
25. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training (**Appendix E**).
26. Monitoring may include but is not limited to: written or oral reports, observations, tracking, electronic surveillance (e.g., facility security cameras), and site visits.

### **How to Obtain an E-PIC or VSC**

27. An E-PIC may be obtained online via <http://www.backcheck.net/e-pic.htm>

**OR**

28. Swim PEI has joined the Coaching Association of Canada's Responsible Coaching Movement and therefore has access to the E-PIC at a discounted rate. Participants can obtain an E-PIC via [https://www.sterlingtalentsolutions.ca/landing-pages/c/cac\\_ace/](https://www.sterlingtalentsolutions.ca/landing-pages/c/cac_ace/)
29. Participants may only obtain a VSC by visiting an RCMP office or police station, submitting two pieces of government-issued identification (one of which must have a photo), and completing any required paperwork. Fees may also be required.
30. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
31. Swim PEI understands that they may be required to assist an individual with obtaining a VSC. A Request for VSC (**Appendix E**) may need to be submitted or other documentation may need to be completed that describes the nature of Swim PEI and the individual's role with Vulnerable Participants.

### **Procedure**

32. Screening documents must be submitted to the Screening Committee.
33. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be informed that their application and/or position will not proceed until such time as the screening documents are submitted.





34. Swim PEI understands that there may be delays in receiving the results of an E-PIC or a VSC. At the discretion of Swim PEI, an individual may be permitted to participate in the role during the delay. This permission may be withdrawn at any time and for any reason.
35. Swim PEI recognizes that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted.
36. Following the review of the screening documents, the Screening Committee will decide:
  - a) The individual has passed screening and may participate in the desired position;
  - b) The individual has passed screening and may participate in the desired position with conditions;
  - c) The individual has not passed screening and may not participate in the desired position; or
  - d) More information is required from the individual.
37. In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.
38. The Screening Committee may decide that an individual has not passed screening if the screening documentation reveals any of the following:
  - a) If imposed in the last ten years:
    - i. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
    - ii. Any offense involving conduct against public morals
    - iii. Any offense involving theft or fraud
  - b) If imposed at any time:
    - i. Any offense involving a Minor or Minors
    - ii. Any offense of assault, physical or psychological violence
    - iii. Any offense involving trafficking or possession of illegal drugs
    - iv. Any offense involving the possession, distribution, or sale of any child-related pornography
    - v. Any sexual offense

### **Conditions and Monitoring**

39. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee shall have the sole and unfettered discretion to apply and remove conditions, determine the length of time for the imposition of conditions, and determine the means by which adherence to conditions may be monitored.

### **Records**

40. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, for use in legal, quasi-legal, or disciplinary proceedings.
41. The records kept as part of the screening process include but are not limited to:
  - a) An individual's Vulnerable Sector Check
  - b) An individual's E-PIC (for a period of three years)
  - c) An individual's Screening Disclosure Form (for a period of three years)
  - d) An individual's Screening Renewal Form (for a period of one year)

- e) Records of any conditions attached to an individual's registration by the Screening Committee
- f) Records of any discipline applied to any individual by Swim PEI or by another sport organization

| <b>Policy History</b> |  |
|-----------------------|--|
| Approved              |  |
| Next Review Date      |  |

## Appendix A – Screening Requirements Matrix

| Risk Level             | Roles (Note Young People Exception Below)  | Training Recommended/Required   | Screening  |
|------------------------|--|---|--|
| Level 1<br>Low Risk    | a) Parents, youth or volunteers acting in non-regular or informal basis  | Recommended: <ul style="list-style-type: none"> <li>● Respect in Sport for Activity Leaders</li> <li>● <a href="#">CAC Safe Sport Training</a></li> </ul>   | <ul style="list-style-type: none"> <li>● Complete an Application Form (<b>Appendix B</b>)</li> <li>● Complete a Screening Disclosure Form (<b>Appendix C</b>)</li> <li>● Participate in training, orientation, and monitoring as determined by Swim PEI</li> </ul> |
| Level 2<br>Medium Risk | a) Athlete support personnel<br>b) Non-coach employees or managers<br>c) Directors<br>d) Coaches who are typically under supervision of another coach.<br>e) Officials | Recommended based on role: <ul style="list-style-type: none"> <li>● Respect in Sport for Activity Leaders</li> <li>● Commit to Kids</li> </ul> Required: <ul style="list-style-type: none"> <li>● Respect in Sport Activity Leaders (National Officials)</li> <li>● MED Certified (Coaches)</li> <li>● <a href="#">CAC Safe Sport Training</a></li> </ul> | <ul style="list-style-type: none"> <li>● Level 1 Requirements</li> <li>● Complete and provide an E-PIC</li> <li>● Provide one letter of reference related to the position</li> <li>● Provide a driver’s abstract, if requested</li> </ul>                          |
| Level 3<br>High Risk   | a) Full Time Coaches<br>b) Coaches who travel with Athletes<br>c) Coaches who could be alone with Athletes   | Recommended based on role: <ul style="list-style-type: none"> <li>● Respect in Sport for Activity Leaders</li> <li>● Commit to Kids</li> </ul> Required: <ul style="list-style-type: none"> <li>● MED Certified</li> <li>● <a href="#">CAC Safe Sport Training</a></li> </ul>   | <ul style="list-style-type: none"> <li>● Level 2 Requirements</li> <li>● Provide a VSC</li> <li>● A second letter of reference from a sport organization</li> </ul>  |

### Young People

Swim PEI defines a young person as someone who is younger than 18 years old. When screening young people, Swim PEI will:

- a) Not require the young person to obtain a VSC or E-PIC; and
- b) In lieu of obtaining a VSC or E-PIC, require the young person to submit up to two (2) additional letters of reference.



## Appendix B – Application Form

*Note: Participants who are applying to volunteer or work within certain positions with Swim PEI must complete this Application Form. Participants need to complete an Application Form once for the position sought. If the individual is applying for a new position within Swim PEI, a new Application Form must be submitted.*

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**POSITION SOUGHT:** \_\_\_\_\_

By signing this document below, I agree to adhere to the policies and procedures of Swim PEI, including but not limited to the *Code of Conduct and Ethics, Conflict of Interest Policy, Privacy Policy, and Screening Policy*. Policies are located at the following link: <https://swimpei.com/about-us/>

I recognize that I must pass certain screening requirements depending on the position sought, as outlined in the *Screening Policy*, and that the Screening Committee will determine my eligibility to volunteer or work in the position.

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_



## Appendix C – Screening Disclosure Form

**NAME:** \_\_\_\_\_  
First Middle Last

**OTHER NAMES YOU HAVE USED:** \_\_\_\_\_

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**CLUB (if applicable):** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

*Note: Failure to disclose truthful information below may be considered an intentional omission and the loss of volunteer responsibilities or other privileges*

**1. Have you been convicted of a crime? If so, please complete the following information for each conviction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Year Convicted: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**2. Have you ever been disciplined or sanctioned by a sport governing body or by an independent body (e.g., private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position? If so, please complete the following information for each disciplinary action or sanction. Attach additional pages as necessary.**

Name of disciplining or sanctioning body: \_\_\_\_\_

Date of discipline, sanction or dismissal: \_\_\_\_\_

Reasons for discipline, sanction or dismissal: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**3. Are criminal charges or any other sanctions, including those from a sport body, private tribunal or government agency, currently pending or threatened against you? If so, please complete the following**



**information for each pending charge or sanction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Name of disciplining or sanctioning body: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**PRIVACY STATEMENT**

By completing and submitting this Screening Disclosure Form, I consent and authorize Swim PEI to collect, use and disclose my personal information, including all information provided on the Screening Disclosure Form as well as my Enhanced Police Information Check and/or Vulnerable Sector Check (when permitted by law) for the purposes of screening, implementation of the *Screening Policy*, administering membership services, and communicating with Sport PEI, National Sport Organizations, Provincial/Territorial Sport Organizations, Clubs, and other organizations involved in the governance of sport. Swim PEI do not distribute personal information for commercial purposes.

**CERTIFICATION**

I hereby certify that the information contained in this Screening Disclosure Form is accurate, correct, truthful and complete.

I further certify that I will immediately inform Swim PEI of any changes in circumstances that would alter my original responses to this Screening Disclosure Form. Failure to do so may result in the withdrawal of volunteer responsibilities or other privileges and/or disciplinary action.

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_



## Appendix D – Screening Renewal Form

**NAME:** \_\_\_\_\_  
First Middle Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_  
Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_  
Month/Day/Year

**EMAIL:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

By signing this document below, I certify that there have been no changes to my criminal record since I last submitted an Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form and/or Driver's Abstract ("Personal Document") to Swim PEI. I further certify that there are no outstanding charges and warrants, judicial orders, peace bonds, probation or prohibition orders, or applicable non-conviction information, and there have been no absolute and conditional discharges.

I agree that any Personal Document that I would obtain or submit on the date indicated below would be no different than the last Personal Document that I submitted to Swim PEI. I understand that if there have been any changes, or if I suspect that there have been any changes, it is my responsibility to obtain and submit a new Personal Document to Swim PEI's Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from any Personal Document and if I submit this form improperly, then I am subject to disciplinary action and/or the removal of volunteer responsibilities or other privileges at the discretion of the Screening Committee.**

**NAME (print):** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_



## Appendix E – Orientation and Training Acknowledgement Form

1. I have the following role(s) with Swim PEI (circle as many as apply):

Parent / Guardian

Coach

Director / Volunteer

Athlete

Official

Committee Member

2. As an individual affiliated with Swim PEI, I acknowledge I have received completed the following orientation and training:

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## Appendix F – Request For Vulnerable Sector Check

*Note: Swim PEI must modify this letter to adhere to any requirements from the VSC provider*

### INTRODUCTION

Swim PEI is requesting a Vulnerable Sector Check for \_\_\_\_\_ [insert individual's full name] who identifies as a \_\_\_\_\_ [insert gender identity] and who was born on \_\_\_\_\_ [insert birthdate].

### DESCRIPTION OF ORGANIZATION

Swim PEI is a not-for-profit [national, provincial/territorial, local] organization for the sport of [insert sport] located in [location].

[Insert additional description]

### DESCRIPTION OF ROLE

\_\_\_\_\_ [insert individual's name] will be acting as a \_\_\_\_\_ [insert individual's role]. In this role, the individual will have access to vulnerable individuals.

[Insert additional information re: type and number of vulnerable individuals, frequency of access, etc.]

### CONTACT INFORMATION

If more information is required from Swim PEI, please contact the Screening Committee Chair:

[Insert information for Screening Committee Chair]

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



Swim PEI  
**WHISTLEBLOWER POLICY**

**Purpose**

1. The purpose of this Policy is to allow Workers to have a discreet and safe procedure by which they can disclose incidents of wrongdoing in the workplace without fear of unfair treatment or reprisal.

**Application**

2. This Policy only applies to Workers who observe or experience incidents of wrongdoing committed by Directors or by other Workers.
3. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by Swim PEI can be reported under the terms of the *Discipline and Complaints Policy* and/or reported to the **Board of Directors or senior staff person** to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement, as applicable, and/or Swim PEI's policies for human resources.
4. Matters reported under the terms of this Policy may be referred to be heard under the *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

**Wrongdoing**

5. Wrongdoing can be defined as:
  - a) Violating the law;
  - b) Intentionally or seriously breaching of the *Code of Conduct and Ethics*;
  - c) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual;
  - d) Directing an individual or Worker to commit a crime, serious breach of a policy, or other wrongful act; or
  - e) Fraud.

**Pledge**

6. Swim PEI pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any Worker who discloses information or submits, in good faith, a report against a Worker or Director under the terms of this Policy.
7. Any individual affiliated with Swim PEI who breaks this Pledge will be subject to disciplinary action.

**Reporting Wrongdoing**

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

**Authority**



9. The following Compliance Officer has been appointed to receive reports made under this Policy:  
TBD

10. After receiving the report, the Compliance Officer has the responsibility to:

- a) Assure the Worker of the **Pledge**
- b) Connect the Worker to the Alternate Liaison if the individual feels that they cannot act in an unbiased or discrete manner due to the individual's role with Swim PEI and/or the content of the report
- c) 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) and, if so, inform the Worker that no action will be taken on the report and the reasons why the report has been considered frivolous, vexatious, or not in good faith
- d) Determine if the *Whistleblower Policy* applies or if the matter should be handled under the *Discipline and Complaints Policy*
- e) Determine if the local police service be contacted
- f) Determine if mediation or alternative dispute resolution can be used to resolve the issue
- g) Determine if the **Chairperson and/or senior staff person** should or can be notified of the report
- h) Begin an investigation

#### **Alternate Liaison**

11. If the Worker feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with Swim PEI and/or the content of the report, the Worker should contact the following individual who will act as an independent liaison between the Worker and the Compliance Officer:

**Steven J. Indig, LLB**  
**Sport Law & Strategy Group**  
**SJI@sportlaw.ca**

12. The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with Swim PEI without the Worker's consent.

13. A Worker who is unsure if they should submit a report, or who does not want to have their identity known, may contact the Alternate Liaison for informal advice about the process.

#### **Investigation**

14. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, the **Chairperson and/or senior staff person** 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 Worker who submitted the report being disclosed. The **Chairperson and/or senior staff person** may not unreasonably refuse the decision to contract an external investigator.

15. An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:

- a) Follow-up interview with the Worker who submitted the report
- b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing
- c) Interviews with such-affected individuals
- d) Interview with the Director(s) or Worker(s) against whom the report was submitted



- e) Interview with the supervisor(s) of the Worker(s) against whom the report was submitted, if applicable

16. The investigator will prepare an Investigator’s Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the **Chairperson and/or senior staff person** for review and action.

**Decision**

17. Within fourteen (14) days after receiving the Investigator’s Report, the **Chairperson and/or senior staff person** will take corrective action, as required. Corrective action may include, but is not limited to including:
- a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
  - b) Revision of job descriptions; or
  - c) Discipline, suspension, termination, or other action as permitted by the By-laws, provincial employment legislation, applicable policies for human resources, and/or the Worker’s Employment Agreement or Contractor Agreement.
18. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
19. Decisions made under the terms of this Policy may be appealed under the terms of the *Appeal Policy* provided that:
- a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that their identity must be revealed if they submits an appeal, and
  - b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that Swim PEI will act as the Respondent

**Confidentiality**

20. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals (the Worker, the Worker(s), or Director(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.
21. 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, Swim PEI 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.

| Policy History   |  |
|------------------|--|
| Approved         |  |
| Next Review Date |  |



Swim PEI  
**RISK MANAGEMENT POLICY**

**Preamble**

1. Swim PEI is committed to managing risks by ensuring its decisions and actions reflect established standards and organizational values.

**Purpose**

2. The purpose of this Policy is to provide a guiding statement on how risks will be managed. In general, Swim PEI views risk management as a comprehensive approach to improving organizational performance.
3. This Policy has other purposes, namely:
  - a) Reinforcing an understanding of risk management as having a broad focus, beyond merely preventing lawsuits and financial losses
  - b) Performing an educational function for staff and the Board
  - c) Over the longer term, contributing to enhancing a 'risk management culture' within Swim PEI
4. Ultimately, successful risk management has the following benefits:
  - a) Prevents or limits injury or losses to participants, volunteers and staff
  - b) Helps to protect Swim PEI against unnecessary litigation
  - c) Ensures that Swim PEI is compliant with all applicable laws, regulations and standards
  - d) Improves the quality and relevance of the programs and services that Swim PEI provide to its participants/registrants, partners and sponsors
  - e) Promotes improved business management and human resource management practices
  - f) Enhances the brand, reputation and image of Swim PEI in the community
  - g) Overall, enhances the ability of Swim PEI to achieve its strategic objectives

**Principles**

5. The International Standard Organization (ISO 31000:2009E) risk management principles are:
  - a) Risk management creates and protects value
  - b) Risk management is an integral part of all organizational processes
  - c) Risk management is part of decision making
  - d) Risk management explicitly addresses uncertainty
  - e) Risk management is systematic, structures and timely
  - f) Risk management is based on the best available information
  - g) Risk management is tailored
  - h) Risk management considers human and cultural factors into account
  - i) Risk management is transparent and inclusive
  - j) Risk management is dynamic, iterative and responsive to change
  - k) Risk management facilitates continual improvement of Swim PEI

**Scope and Authority – Risk Manager**

6. The **[insert individual]** is the designated Risk Manager for Swim PEI and is responsible for the implementation, maintenance, and communication of this policy. This policy applies to all decision and activities undertaken on behalf of Swim PEI.

**Policy**

7. Swim PEI makes the following commitments:
  - a) Activities and events will incorporate the principles of risk management



- b) Systematic and explicit steps will be taken to identify, assess, manage and communicate risks facing Swim PEI in a timely fashion
  - c) Risk mitigation strategies will be reasonable and will reflect the reasonable standard of care in any circumstance (where standard of care is determined by written/published standards, industry practices, established case law precedent, and common sense)
8. Swim PEI acknowledges that risk management is a broad activity and a shared responsibility. All Directors, Officers, staff, and volunteers have an ongoing responsibility to take appropriate measures within their scope of authority and responsibility to identify, assess, manage and communicate risks to those that they report to including but not limited to, the Risk Manager.

### Risk Tolerance

9. The 'significance of a risk' refers to the combined ranking of the possibility/likelihood of a risk occurring and the consequence should it occur.
10. Possibility (P)
- a) Unlikely – less likely to happen than not; occurs every 5 years
  - b) Possible – just as likely to happen as not; occurs once every year
  - c) Probably – more likely to happen than not; occurs once a month
  - d) Almost certain – sure to happen; occurs once a week
11. Consequence (C)
- a) Minor – will have an impact on the achievement of the objective that can be dealt with through small internal adjustments
  - b) Moderate – will have an impact on some aspect of the achievement of the objective that will require changes to strategy or program delivery that may require a delay or increase in cost
  - c) Serious – will significantly impact the achievement of the objective and require additional time, resources, costs, and thought
  - d) Catastrophic – will have a debilitating impact on the achievement of the objective; staff and board need to devote full time resources to managing the situation

### Commitment

12. Risks are identified by Directors and staff on an ongoing basis. All Minor-to-Moderate risks are managed by the Risk Manager and captured within program documents.
13. Risks that arise and considered to be Serious to Catastrophic are treated as follows:
- a) If a **Serious** is identified, it must be communicated to the **Chairperson or senior staff person** within 48 of the risk being identified. The individual will take all reasonable measures to manage the risk including, but not limited to, seeking the advice from other Board members, consulting external experts, etc. Once the individual feels that the risk has been managed or is in the process of being resolved, the Board will be advised using the most appropriate communications, which depending on the nature of the risk, may include an issue document, sharing at the next meeting, or calling a separate Board meeting to keep the Board informed.
  - b) If a **Catastrophic** risk has been identified, the Chairperson must be contacted immediately. The **Chairperson and senior staff person** will determine the most appropriate action and if appropriate, may organize a Board meeting within 48 of the risk arising. It is understood that factors may arise that prevent this from happening including time zone, availability, nature of the risk, etc. All reasonable efforts will be made to manage the risk as it occurs, taking the necessary measures including, not to limited to, seeking the advice from internal partners, other Board members and external experts.

## Procedures

14. Managing risks involves three steps:

- a) Identifying potential risks using an informed, environmental scan approach
- b) Assessing the significance of a risk by considering its likelihood and consequences
- c) Developing and implementing measures to address those risks deemed significant by reducing likelihood, consequences or both

15. Risks arise from a number of categories of the operations of Swim PEI. The following categories will be used when identifying risks:

**a) Operational / Program Risks**

Risks related to the development, sanctioning, and implementation of programs; management of human resources, including staff and volunteers; organizational capacity to meet member and stakeholder expectations.

Technology and intellectual property risks related to the purchase, leasing, use, and storage of all hardware and software, programs, data, records, information including the protection of all intellectual property assets.

**b) Compliance Risks**

Risks related to failure to comply with existing laws and regulations governing employment, privacy, and workplace safety. Also includes complying with anti-doping policies, Sport Canada, other agency standards for funding and accountability, and the fulfillment of contractual obligations.

**c) Communication Risks**

Risks related to internal and external communications, information management systems, crisis and issues management, media relations, image and reputation management, missed opportunities to promote and exploit successful outcomes, management of intellectual property, social media opportunities and pitfalls, confidentiality.

**d) External Risks**

Risks that are not in direct control of Swim PEI such as funding frameworks from government and other agencies; relations with governments, games organizations and international federations; security threats/risks, involvement in other sport partnerships; hosting decisions and requirements; changing political priorities.

**e) Governance Risks**

Risks related to clarity of roles and responsibilities, decision-making and oversight, organizational structure and performance; management of disputes and conflict of interest, planning for diversity and succession of the Board and committees, retention of corporate knowledge, staying current with trends affecting Swim PEI.

**f) Financial Risks**

Risks related to financial monitoring and reporting, flexibility to control and direct funds, sponsorship attraction and retention, currency exchange rates, investment and management of reserve funds, protection of revenue streams, long-term financial sustainability.

**g) Health and Safety of Athletes**

Risks related to the safety of athletes, abuse and/or harassment of athletes, practice or competition environment, equipment, and progressive training of athletes.

16. All risks faced by Swim PEI can be addressed by one or more of the following four general strategies:

- a) **Retain** the risk – no action is taken because the possibility and consequence of the risk is low. It may also be that the risk is inherent in the activity itself and thus can be accepted in its present form.
- b) **Reduce** the risk – steps are taken to reduce the possibility of the risk, and/or its potential consequences, through efforts such as improved planning, policies, delivery, supervision, monitoring, or education.
- c) **Transfer** the risk – accept the level of risk but transfer some or all of it to others through the use of insurance, waiver of liability agreements or other business contracts.
- d) **Avoid** the risk – eliminate the risk by avoiding the activity giving rise to the risk – in other words, simply decide NOT to do something, or to eliminate some activity or initiative.

17. The above general strategies translate into a variety of risk control measures, which for Swim PEI may include, but are not limited to:

- a) Development of policies, procedures, standards and rules
- b) Effective communication
- c) Education, instruction, professional development and specialized training
- d) Ensuring a core set of organizational values have been identified, defined and communicated throughout Swim PEI
- e) Adherence to minimum, mandatory qualifications and/or certifications for key staff and leaders
- f) Use of robust and legally sound contracts (i.e., employment agreements, contractor agreements, partnership agreements)
- g) Improving role clarity through use of written position descriptions and committee terms of reference
- h) Supervision and monitoring of staff, volunteers, participants and activities
- i) Establishing and communicating procedures to handle concerns, complaints and disputes
- j) Implementing schedules for regular review, maintenance, repair and replacement of equipment
- k) Preparing procedures and protocols for emergency response and crisis management
- l) Use of warnings, signage, participation agreements and waiver of liability agreements where warranted
- m) Purchasing appropriate insurance coverage for all activities and reviewing regularly

**Reporting and Communication**

18. To ensure that risk management remains a high priority within Swim PEI, and to promote an organizational culture that embraces a risk management perspective, risk management will be a standing item on the agenda of every regular Board meeting, so that staff (if applicable) and Directors can provide updates as required.

19. Swim PEI recognizes that communication is an essential part of risk management. This policy will be communicated to staff, the Board of Directors, Committees and volunteers and Swim PEI will encourage all individuals to communicate their risk management issues and concerns.



**Insurance**

20. Swim PEI maintains a comprehensive insurance program that provides General Liability, Accident and Directors and Officers Errors and Omissions coverage to the directors, officers, staff, members, volunteers and sponsors of Swim PEI. On every review of this policy, Swim PEI will consult with the insurance provider to determine if there are any emerging gaps, issues, or deficiencies to be addressed through insurance renewal. Not all risks are insurable. However, as part of its commitment to risk management, Swim PEI will take all reasonable steps to ensure that insurance coverage is available for essential activities.

| <b>Policy History</b> |  |
|-----------------------|--|
| Approved              |  |
| Next Review Date      |  |

