

# **NWT AMATEUR SPEED SKATING ASSOCIATION**

## **Code of Conduct, Harassment Policy, and Disciplinary Code**

**September 27, 2017**

### **1. Code of Conduct**

This Code of Conduct provides a guide to the standard of conduct and ethical behaviour expected of all NWT Speed Skating members.

The Association is committed to providing a sport environment characterized by excellence, fairness, integrity, open communication, and mutual respect.

NWT Speed Skating asks that members conduct themselves in a manner reflecting the highest standard of behaviour during their participation in the business, activities or events of the Association.

NWT Speed Skating will enforce this Code of Conduct. Members who do not meet this standard of behaviour are subject to penalties or sanctions as outlined in this document.

# NWT AMATEUR SPEED SKATING ASSOCIATION

## Code of Conduct, Harassment Policy, and Disciplinary Code

### 2. Athletes' Code of Conduct

#### 2.1 ATHLETES HAVE A RESPONSIBILITY TO:

- a) Treat everyone fairly within the context of their activity, regardless of gender, ethnicity, sexual orientation, religion, political belief or economic status;
- b) Consistently display high personal standards, such as:
  - I. Refraining from public criticism of athletes, coaches or officials;
  - II. Abstaining from drug, alcohol and tobacco abuse;
  - III. Refraining from the use of profane, insulting, harassing or otherwise offensive language;
- c) Follow training programs and rules of conduct as agreed upon by coaches and athletes;
- d) Participate in team and club events;
- e) Work with coaches to monitor and assess performance;
- f) Uphold the rules of the sport, the spirit of such rules and encourage other athletes to do the same;
- g) Treat opponents and officials with due respect both in victory and defeat. Encourage other athletes to act accordingly;
- h) Be aware of the role sport plays in all athletes' lives, and respect the pressures placed on athletes as they strive to balance physical, mental, emotional and spiritual elements of their lives.

## **2.2 ATHLETES MUST:**

- a) At no time allow incidences of harassment, abuse or other threatening behaviour from athletes, coaches, volunteers or members of the public to go unreported;
- b) Participate in a manner that ensures the safety of athletes, coaches and officials also participating in the sport;
- c) Respect coaches, officials, administrators, volunteers and other athletes: verbal or physical behaviours that constitute harassment or abuse are unacceptable and will not be tolerated by NWT Speed Skating;
- d) Never advocate for, nor condone, nor use drugs or banned performance-enhancing substances or procedures.

## NWT AMATEUR SPEED SKATING ASSOCIATION

### Code of Conduct, Harassment Policy, and Disciplinary Code

## 3. Coaches' Code of Conduct

### 3.1 COACHES HAVE A RESPONSIBILITY TO:

- a) Uphold the highest standards of professional conduct and competence by:
  - I. Acting in a manner respectful of the dignity of all participants;
  - II. Being honest, sincere, and honorable in their relationships with others;
  - III. Recognizing, acting on and promoting the value of sport for individuals, teams, and society in general;
- b) Direct comments at the performance rather than the athlete;
- c) Consistently display high personal standards, such as:
  - I. Refraining from public criticism, including derogatory or misleading statements about fellow coaches, athletes, officials and volunteers;
  - II. Abstaining from the use of drugs, alcohol and tobacco while in the company, charge or presence of athletes;
  - III. Discouraging the use of alcohol in conjunction with athletic events or victory celebrations;
  - IV. Refraining from the use of profane, insulting, harassing or otherwise offensive language in the conduct of their duties;
- d) Ensure that activities undertaken are suitable for the age, experience, ability and fitness level of the athletes, and educate athletes as to their responsibilities in contributing to a safe environment;
- e) Communicate and cooperate with registered medical practitioners in the diagnoses, treatment and management of their athletes' medical and psychological problems;

- f) Recognize and accept when to refer athletes to other coaches or sport specialists. Allow athletes' goals to take precedence over their own to enable athletes to become self-reliant;
- g) Regularly seek ways of increasing professional development and self-awareness in the sport;
- h) Treat opponents and officials with due respect, both in victory and defeat, and encourage athletes to act accordingly. Actively encourage athletes to uphold the rules of their sport and the spirit of such rules;
- i) Communicate and cooperate with athletes' parents or legal guardians, involving them in decisions pertaining to their child's development;
- j) Be aware of the many pressures placed on athletes as they strive to balance the physical, mental, emotional and spiritual aspects of their lives, and conduct practices and competitions in a manner so as to allow optimum success.

### **3.2 COACHES MUST:**

- a) Ensure the safety and welfare of the athletes with whom they work;
- b) At no time develop an inappropriate relationship with their athletes nor any minor;
- c) Respect athletes, officials, administrators, volunteers and other coaches: verbal or physical behaviours that constitute harassment or abuse are unacceptable and will not be tolerated by NWT Speed Skating;
- d) Never advocate for, nor condone the use of drugs or other banned performance-enhancing substances or procedures;
- e) Never provide underage athletes with alcohol, drugs or tobacco, nor encourage their use.

## **NWT AMATEUR SPEED SKATING ASSOCIATION**

### **Code of Conduct, Harassment Policy, and Disciplinary Code**

#### **4. Official, Volunteer and Administrator Code of Conduct**

##### **4.1 OFFICIALS, VOLUNTEERS AND ADMINISTRATORS HAVE A RESPONSIBILITY TO:**

- a) Treat everyone fairly, regardless of gender, ethnicity, sexual orientation, religion, political belief or economic status;
- b) Consistently display high personal standards, such as:
  - I. Refraining from public criticism of participants and fellow officials, volunteers and staff;
  - II. Abstaining from the use of drugs, alcohol and tobacco while in the company, charge or presence of athletes.
  - III. Refraining from the use of profane, insulting, harassing or otherwise offensive language in the conduct of their duties;
- c) Ensure high standards of risk management are maintained;
- d) Treat all participants with due respect and encourage all officials to maintain a high standard of self-discipline;
- e) Regularly seek ways of increasing professional development and self-awareness in the sport;
- f) Treat all participants with due respect and encourage athletes and other participants to act accordingly. Actively encourage all participants to uphold the rules of their sport and the spirit of such rules;
- g) Be aware of the many pressures placed on athletes as they strive to balance the physical, mental, emotional and spiritual aspects of their lives and conduct competitions in a manner so as to allow optimum success.

#### **4.2 OFFICIALS, VOLUNTEERS AND ADMINISTRATORS MUST:**

- a) Work to ensure the safety of all those with whom they work;
- b) Ensure the safety of athletes, as much as practicable, consistent with the rules applicable to the competition;
- c) Respect athletes, coaches, administrators, volunteers, and other officials; verbal or physical behaviours that constitute harassment or abuse are unacceptable and will not be tolerated by NWT Speed Skating;
- d) Never advocate for, nor condone the use of drugs or other banned substances or procedures;
- e) Never provide underage athletes with alcohol, drugs or tobacco, nor encourage their use.

## **NWT AMATEUR SPEED SKATING ASSOCIATION**

### **Code of Conduct, Harassment Policy, and Disciplinary Code**

## **5. Harassment**

NWT Speed Skating will not tolerate harassment.

Each individual associated with NWT Speed Skating has the right to participate in an environment that promotes equal opportunities and prohibits discriminatory practices. The Association is committed to building a the speed skating community that is safe for all.

NWT Speed Skating considers harassment to be behaviour – including comments, conduct or gestures – which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals, or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offence, or humiliation to another person or group.

### **5.1 FORMS OF HARASSMENT**

Harassment includes but is not limited to:

- a. Written or verbal abuse or threats;
- b. Physical assault;
- c. Unwelcome remarks, jokes, innuendo, or taunting about a person's body, sexual orientation, attire, age, sex, disability, marital status, ethnic or racial origin, or religion;

- d. Displaying of sexually explicit, racist, or other offensive or derogatory material, to include sexual, racial, ethnic, or religious graffiti;
- e. Practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
- f. Hazing or initiation rites;
- g. Leering or other suggestive or obscene gestures;
- h. Intimidation;
- i. Condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- j. Conduct, comments, gestures, or contact of a sexual nature that is likely to cause offence or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
- k. False accusations of harassment motivated by malice or mischief, and meant to cause other harm;
- l. Behaviour or conduct that contributes to, supports or condones harassment; and
- m. Any other ground of harassment prohibited by applicable law.

It is not just the conduct itself that makes certain behaviour inappropriate, but the context or way in which it is delivered or its repetitive nature. This conduct makes the environment around the individual cold, hostile or alienating. Any behaviour that contributes to, supports or condones such an environment is harassing.

## **5.2 RESPONSIBILITIES**

NWT Speed Skating's Board of Directors is responsible for the implementation of this policy.

All complaints under this policy shall be considered in camera by an Investigative Committee of three (3) Directors appointed by the Board or, at the request of a complainant, referred to an independent third party appointed by the Association within 14 days of such a request being received.

NWT Speed Skating will act quickly, and in a sensitive and responsible manner, regarding any complaint of harassment with the goal of resolving the situation fairly and of preventing further occurrences, including determining and enforcing appropriate discipline if required.

Notwithstanding this policy, every person who experiences harassment maintains the right to seek assistance from the Canadian Human Right Commission, its NWT branch, or under the Criminal Code of Canada, even when steps are being taken under this policy.

A responsible adult shall assist a minor in all proceedings under this policy.

## **5.3 CONFIDENTIALITY**

In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.

NWT Speed Skating can provide no absolute guarantees of confidentiality. Circumstances in which information may be shared are when:

- a) required by law;
- b) necessary to protect others from harassment or discrimination.

#### **5.4 PROCEDURE**

A person believing they have experienced harassment under this policy (the “Complainant”) is encouraged to make it known to the person responsible for the conduct (the "Respondent") that the behaviour is unwelcome, offensive and contrary to this policy.

If confronting the Respondent is not possible, or if – after confronting the Respondent – the conduct continues, the Complainant should seek the advice of someone within the organization that the individual trusts. That person may assist the Complainant throughout this procedure. Either the person in a position of trust, or the Complainant, should alert the Board or Sport Administrator to the nature of the complaint.

If the complaint refers to one or more Board members, complaints should be directed to another Board member or the Sport Administrator. If a complaint refers to the Sport Administrator, it should be directed to the Board. Complainants who are not comfortable referring a complaint to any member of NWT Speed Skating’s Board or staff may make a complaint directly to the NWT Human Rights Commission by following the instructions set out online at [nwthumanrights.ca](http://nwthumanrights.ca).

On being made aware of a complaint, the Board, acting in camera, shall appoint a Director to act as Chair of the Investigative Committee and two further Directors to serve on the Committee alongside them.

The Committee shall ensure the Complainant is fully aware of the contents of this policy, gather information regarding the complaint, and consider this information in camera.

The Committee may, at any time, decide it has sufficient information to take one of several courses of action:

- a) Recommend to the Board formal disciplinary proceedings against one or more members in cases the Committee judges to be significant in nature;
- b) Recommend to the Board informal, immediate, corrective disciplinary action against one or more members in cases the Committee judges to be minor in nature;
- c) Recommend to the Board dismissal of the complaint; or
- d) Without recourse to the Board, refer the complaint to an independent third party.

The Complainant may, at any time:

- a) Lay a formal written complaint under this policy;
- b) Withdraw from any further action in connection with the complaint (though NWT Speed Skating may continue to investigate the complaint and subsequently take action).

The Committee may offer the Complainant the option of attempting to resolve the complaint informally, with or without the Committee's assistance.

If the option of attempting an informal resolution is either rejected or delivers an outcome unsatisfactory to the Complainant, the Complainant shall be invited to file a formal written complaint to the Committee.

To file a formal complaint, the Complainant shall provide to the Committee a written statement outlining the details of the incident(s) and the names of any witnesses. Should the Complainant experience difficulty in accomplishing this, an independent third party may be appointed at the instigation of either the Complainant or the Association to provide assistance.

NWT Speed Skating will appoint an independent Fact Finder, reporting to the Committee, to fully investigate the formal complaint. The Committee, with the Fact Finder, shall draw up terms of reference under which the Fact Finder shall operate. NWT Speed Skating's Board and staff shall assist the Fact Finder in the provision of any and all information the Fact Finder feels is relevant to the investigation.

The Fact Finder shall be encouraged to contact the Complainant to clarify and expand upon the formal complaint, but this contact may be rejected by the Complainant at the Complainant's discretion.

The Fact Finder shall review the complaint, with the Complainant if possible or alternatively alone, and issue a copy of the complaint to both the Complainant and Respondent. The Respondent shall issue a written response to the complaint within 14 days, which the Fact Finder may clarify in consultation with the Respondent. The Fact Finder may take statements from or consult with witnesses named by both the Complainant and Respondent as part of their investigation.

The Fact Finder shall consequently file an Investigation Report with the Committee. The Report will document any facts agreed between the parties, a summary of interactions with the parties, and a recommendation as to whether the act(s) in question constitute harassment under this policy.

The Committee shall then decide whether to uphold the complaint in full or in part, or dismiss the complaint. If, at any stage, the complaint is referred by the Complainant or the Committee to another third party (such as the NWT Human Rights Commission), the Committee may conclude its own procedure but the third party's procedure shall be respected and assisted until such time as the third party reaches and communicates a decision.

If the complaint is upheld in full or in part, the Committee shall be responsible for the identification of appropriate disciplinary measures against the Respondent as set out in this policy.

If the complaint is dismissed and held to have been brought forward in a vexatious manner, the Committee is entitled to identify appropriate disciplinary measures against the Complainant as set out in this policy.

The Committee's decision shall be communicated simultaneously, in writing, to the Complainant, Respondent, and Board.

Either party is entitled to lodge an appeal with the Committee within 10 days of the decision being communicated to them.

Appeals may be lodged following the procedure outlined in Speed Skating Canada's Appeals Policy, with wording – though not substance – informally amended to apply to NWT Speed Skating.

**NWT AMATEUR SPEED SKATING ASSOCIATION**

**Code of Conduct, Harassment Policy, and Disciplinary Code**

**6. Disciplinary measures and dispute resolution**

**6.1 DISCIPLINARY PROCESS**

Any person who witnesses, or is advised of, conduct by an NWT Speed Skating member which they view to be in breach of the Association's Code of Conduct, policies, or regulations may report the incident by emailing either a Director or the Sport Administrator in confidence, within 21 days of becoming aware of the incident.

If the report refers to one or more Board members, complaints should be directed to another Board member or the Sport Administrator. If the report refers to the Sport Administrator, it should be directed to the Board.

On being made aware of an incident report, the President (or, if an incident involves the President, the Vice-President, or subsequently another Director in the order Secretary, Treasurer, Coach & Officials Coordinator, Club Representatives in order of service with longest-serving first) shall determine whether the incident is better dealt with as a minor infraction or if a hearing is required to address the incident as a major infraction. Examples of minor and major infractions are to be found in Appendix A of Speed Skating Canada's Conduct Review policy.

If the incident is deemed a minor infraction by the President, sanctions listed under 6.2 below are to be applied.

If the incident is deemed a potential major infraction, or if the classification of the incident is disputed in any way, the process is moved to the investigative stage.

To commence this stage, NWT Speed Skating will name three Directors to an Investigative Committee and appoint an independent Fact Finder, reporting to the Committee, to fully investigate the incident.

The Committee, with the Fact Finder, shall draw up terms of reference under which the Fact Finder shall operate. NWT Speed Skating's Board and staff shall assist the Fact Finder in the provision of any and all information the Fact Finder feels is relevant to the investigation.

The Fact Finder shall be encouraged to contact all involved or potentially involved in the relevant incident(s), and shall consequently file an Investigation Report with the Committee. The Report will document agreed facts and make observations regarding which aspects of the Association's Code of Conduct, policies or regulations appear to have been breached, if any, and to what degree of severity. The Fact Finder may also note that a matter under investigation has since been resolved between the parties, or should be resolved directly between the parties, and may or may not make other recommendations regarding potential courses of action to be taken by the Association.

The Committee shall then be responsible for the identification of appropriate measures as set out under 6.3 below.

Appeals may be lodged following the procedure outlined in Speed Skating Canada's Appeals Policy, with wording – though not substance – informally amended to apply to NWT Speed Skating.

## 6.2 MINOR INFRACTIONS

All incidents involving perceived minor infractions, occurring within the jurisdiction of NWT Speed Skating, will be dealt with by the appropriate person having authority over the situation (this may include, but is not restricted to, a board member, club president, coach, team manager or head of a delegation) and the individual involved.

Sanctions shall be imposed as appropriate to the level of the infraction. Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

The following sanctions may be applied, singly or in combination, for minor infractions:

- a. Verbal reprimand;
- b. Written reprimand;
- c. Verbal apology;
- d. Hand-delivered written apology;
- e. Team service or other voluntary contribution to NWT Speed Skating;
- f. Suspension or withdrawal from current or future competition;
- g. Other sanctions as may be considered appropriate for the offence.

### 6.3 MAJOR INFRACTIONS

Incidents involving perceived major infractions may, at the Committee's discretion, proceed directly to disciplinary measures or alternatively to a hearing.

If the Committee deems a hearing necessary, the perceived offender shall be notified and advised of the procedures outlined in this policy.

The Board shall establish a Hearing Panel to conduct a fair hearing of the charge or dispute. The Panel shall comprise:

- a) One member of the Committee;
- b) One Director other than those serving on the Committee;
- c) One member of NWT Speed Skating as mutually agreed upon by the perceived offender and the Board.

The Panel shall select from among themselves a Chair. No individual on the Panel shall have a personal or professional involvement in the matter under review.

The Panel shall follow, as closely as is possible, the Speed Skating Canada Hearing Guidelines set out in clauses 6.23 and 6.24 of Speed Skating Canada's Conduct Review policy.

The Panel's verdict shall be final and shall either outline specific disciplinary measures or request that no disciplinary measures be applied. A quorum shall be all three Panel members and decisions shall be by majority vote.

Should sanctions for a major infraction be required, they include:

- a. Written reprimand;

- b. Hand-delivered written apology;
- c. Suspension or withdrawal from current or future competition;
- d. Payment of a financial fine in an amount to be determined by the Panel;
- e. Suspension from certain NWT Speed Skating activities (e.g. competing, coaching or officiating) for a designated period of time;
- f. Suspension from all NWT Speed Skating activities for a designated period of time;
- g. Expulsion from NWT Speed Skating;
- h. Other sanctions as may be considered appropriate for the offence.

Notwithstanding the procedures set out in this policy, any member of NWT Speed Skating who is convicted of a criminal offence under the Criminal Code of Canada, as amended from time to time, shall face automatic suspension from participating in any activities of NWT Speed Skating and Speed Skating Canada for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further action by NWT Speed Skating in accordance with this policy.

In all instances, the Panel shall give written reasons for its decisions and for any discipline imposed, no later than seven (7) days after the hearing.

After each hearing, the Panel should provide any administrative and procedural recommendations it deems necessary to NWT Speed Skating. Recommendations made by the Panel to NWT Speed Skating shall be acknowledged by the President to the Panel within seven days of receipt.