

# **Canadian Ski Coaches Federation - Coach Code of Conduct Policy**

April 5, 2006

## **Preamble**

The coach/athlete relationship is a privileged one. Coaches play a pivotal role in the personal and athletic development of their athletes. An understanding of the inherent power that coaches can exert over athletes is an extremely important notion. Coaches must recognise they are role models through which the values and goals of the sport, and the sport organizations they represent, are channelled. The CSCF Coach Code of Conduct represents minimum standards of professional conduct for membership in the CSCF.

## **Coach Code of Conduct**

### **Sexual Activity**

The CSCF member acknowledges the significant power imbalance inherent in a coach/athlete relationship. Accordingly, every CSCF member shall avoid sexual activity with an athlete he/she is professionally coaching, both during the period of time the athlete is being coached by the CSCF member and for that period of time afterwards where there exists an imbalance of power with respect to the CSCF member which could reasonably jeopardize the athlete's effective decision making.

### **Sexual Harassment**

The CSCF member shall refrain from all forms of sexual harassment. For the purposes of this Coach Code of Conduct sexual harassment includes either or both of the following:

- a. the use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity. Such uses of power include explicit or implicit threats of reprisals for non-compliance or promises of reward for compliance;
- b. engaging in deliberate or repeated unsolicited sexually oriented comments, anecdotes, gestures, or touching, that:
  - i. are offensive and unwelcome,
  - ii. create an offensive, hostile or intimidating environment, and can be reasonably expected to be harmful to the recipient and or team-mates.

### **Doping**

In their role as coach, the CSCF member shall be aware of and comply with the Canadian Policy on Doping in Sport and the associated regulations in effect from time to time. The CSCF member shall not commit a "Doping Related Infraction" or condone the use by others of any of the listed "banned substances" or engage in any of the listed "banned practices" as these terms are defined in the Canadian Policy on Doping in Sport. The CSCF member shall actively encourage his/her athletes to engage in drug free sport and shall support their efforts to compete drug free.

### **Rules of the Sport**

CSCF members shall at all times conduct themselves with complete honesty and integrity with respect to the rules, regulations and policies of the sport.

### **Conflict of Interest**

The CSCF member must always place the best interests of the athletes he/she is coaching ahead of personal interests.

## Policy for Compliance with the Code of Conduct

### Scope and Application of this Policy

This policy affects the CSCF as an organization and every member of the CSCF. However, this Policy applies to only a limited number of situations as described in the following sections 1, 2, 3 and 4 of this policy.

1. The use of this policy for resolving conflict is limited, firstly to CSCF members in good standing and secondly to allegations that a CSCF member's conduct:

- is in respect to athletes he/she is professionally coaching and
- is in breach of the CSCF Coach Code of Conduct.

Not every allegation concerning a CSCF member's conduct shall justify a resort to this policy.

2. This policy is limited to prohibiting coach conduct vis-à-vis athletes the CSCF member is coaching for the following reasons:

- The coach/athlete relationship lies at the heart of the coach's professional role.
- Other important relationships between the professional coach and the many interested parties in the ski racing community can be more efficiently monitored and enforced by means of specific contracts or by external pressures.

### Reporting a Complaint

3. Any athlete coached by a CSCF member, that athlete's parent or any individual directly associated with that athlete/coach relationship may report a complaint to the CSCF Managing Director, or his designate, at the National Office of the CSCF together with a brief written summary of the facts and the substance of the allegations against the CSCF member.

4. Within 7 days of receiving the written notice of complaint and the summary of the allegations, the CSCF Managing Director, or his designate, shall pass on this material to the CSCF Discipline Sub-Committee (DSC). The DSC shall in its sole and absolute discretion, determine whether the complaint and the parties to the complaint are properly within the scope and application of this policy and whether this policy and the processes contained herein shall be implemented. Notwithstanding that section 1 above is satisfied, the DSC, at its discretion, may decide not to implement the policy and processes if:

- a. the conduct associated with the complaint is more properly dealt with by the CSCF member's employer,
- b. the conduct associated with the complaint should be specifically covered by a dispute resolution processes, formal or informal, of a Club, local organization, Provincial Sport Organization or National Sport Organization and/or there has been no attempt to have the issue resolved locally,
- c. the conduct associated with the complaint could result in criminal charges against the CSCF member, or
- d. the complaint appears frivolous or vexatious to the DSC. A decision to initially refuse to implement this policy can be changed at any time by the DSC.

The DSC's decision regarding the application and implementation of this policy is final and may not be appealed.

## **Investigation**

5. Depending on the nature of the reported complaint, the DSC may appoint an independent individual or individuals to conduct an investigation. If this is the case, the Investigator(s) appointed shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the DSC.

## **Hearing Panel**

6. If the DSC is satisfied that this policy applies and should be implemented, then, within 45 days of having received the original notice of the complaint or within 45 days of receiving the written report of the Investigator(s) if an investigation was carried out, the DSC shall establish a Hearing Panel (the "Panel") and select the members of the Panel as follows:

- a. The Panel shall be comprised of either one or three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the complaint, and shall be free from any other actual or perceived bias or conflict. The decision regarding the size of the Panel shall be in the sole discretion of the DSC who must, in coming to its decision, ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties.
- b. If the Panel consists of three persons, the Panel's members shall select from themselves a Chairperson.

## **Preliminary Conference**

7. The Panel may determine that the circumstances of the complaint warrant a preliminary conference. In most cases the preliminary conference shall be conducted by telephone. The issues that may be considered at a preliminary conference include:

- a. the format of the hearing, as the hearing may proceed by either a review of documentary evidence, an in-person hearing, an oral hearing by telephone or a combination of these methods. The Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties. The parties to the hearing shall be the CSCF member complained of and the individual submitting the allegations of misconduct. The CSCF's role is to facilitate the hearing process through the DSC but the CSCF is not a proper party at the hearing and may not initiate a complaint against a member;
- b. timelines for the exchange of documents and the extent of disclosure required;
- c. clarification of issues in dispute;
- d. clarification of evidence to be presented to the Panel;
- e. order and procedure of the hearing;
- f. identification of witnesses; and
- g. any other procedural matter which may assist in expediting the hearing.

8. If the Panel consists of three persons, the Panel may delegate to its Chairperson the authority to deal with any or all of these preliminary matters.

### **Procedure for an Oral Hearing**

9. Where the Panel has determined that the hearing shall be held by way of oral hearing, whether in-person or not, the Panel shall govern the hearing by such procedures as it deems appropriate and fair, provided that:

- a. The hearing shall be held within 60 days of the Panel's appointment.
- b. The parties involved shall be given at least 10 days written notice of the date, time and place of the hearing. The parties shall receive a copy of the Investigator's report, where an investigation was carried out.
- c. A quorum shall be the single Panel member or all three Panel members, as the case may be.
- d. If there are three Panel members, decisions shall be by majority vote, where the Chairperson carries a vote.
- e. If the decision of the Panel may affect another party to the extent that the other party would have recourse to a hearing in their own right, that party shall become a party to the hearing in question.
- f. Any of the parties at the hearing may be accompanied by a representative or advisor, including legal counsel.
- g. The Panel may direct that any other person participate in the hearing.

### **Procedure for a Documentary Hearing**

10. Where the Panel has determined that the hearing shall be held by way of documentary review, it shall govern the hearing by such procedures as it deems appropriate and fair provided that:

- a. All parties are given a reasonable opportunity to review the Investigator's report, where an investigation was carried out; to provide written submissions to the Panel; to review the written submissions of the other parties; to provide written rebuttal; and to provide written arguments.
- b. The applicable principles and timelines set out in Section 9 are respected.

### **Evidence which may be Considered**

11. As a general rule, the Panel shall consider any evidence that is relevant to the matters in dispute. The normal rules of evidence will be relaxed. The Panel shall have authority to consider hearsay evidence provided the Panel gives to such evidence appropriate weight as might be reasonable in light of the circumstances of its inclusion.

### **The Decision**

12. Within 7 days of concluding the hearing, the Panel shall issue its written decision, with reasons. A copy of the decision shall be provided to each of the parties, to the DSC and to the CSCF Managing Director or his designate. The Panel may decide:

- a. to uphold the complaint, in whole or in part;
- b. to deny the complaint, in whole or in part;
- c. if the complaint is upheld, and the Panel finds that a breach of the CSCF Code of Conduct occurred, the Panel shall recommend to the CSCF Board of Directors a sanction against the CSCF member that, in the opinion of the Panel, will reflect the seriousness of the breach of the CSCF Code of Conduct by the CSCF member, and,
- d. to determine how costs of the hearing, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.

## **Sanctions**

13. Sanctions may only be imposed on CSCF members by the CSCF Board, acting in its sole and absolute discretion. However, the CSCF Board must consider the recommendation made by the Panel. Any sanctions imposed by the CSCF Board must be reasonable and proportionate to the breach of the CSCF Code of Conduct found by the Panel to have occurred and such sanctions may include but are not limited to:

- a verbal warning,
- a formal written reprimand,
- a temporary suspension of membership privileges,
- expulsion from the CSCF membership.

The CSCF Board's decision on the appropriate sanction shall be binding on all parties.

## **Timelines**

14. If the circumstances of a complaint are such that this policy will not allow a timely resolution of the matter, or if the circumstances of a complaint are such that the matter cannot be resolved within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

## **Confidentiality**

15. Where the dispute is of a highly sensitive nature, CSCF shall keep all proceedings under this Policy confidential, except where disclosure is directed by the Panel as part of the remedy or sanction to resolve the complaint, is required by law, or is in the best interests of the public.

## **Location**

16. The hearing shall take place in the location designated by the DSC, unless the Panel decides the hearing is to be held by way of telephone conference or unless, at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

## **Appeals Procedure**

17. Except where otherwise provided, the decision of the Panel that a breach of the CSCF Code of Conduct occurred and the sanction imposed on the member by the CSCF Board may be appealed in accordance with the procedures set out in the *CSCF Appeals Policy*.