

Canadian Policy on Prohibited Conduct in Sport
Adopted April 2011 by the Softball BC Board of Directors

Introduction

The Canadian Policy on Prohibited Conduct in Sport (the Policy) is grounded in a fundamental commitment to protect the development, safety and wellbeing of athletes and participants involved in Canadian sport and to provide a procedurally fair mechanism to discipline those who engage in prohibited conduct. The rationale for the Policy is to protect athletes and sport participants from misconduct by those individuals in positions of authority over them. The Policy is not designed to address the potential misconduct of athletes and sport participants as such conduct is regularly controlled pursuant to existing rules and policies.

Preamble

Sport is fun when sport is safe. Sport builds strong individuals. Sport contributes significantly to its participants' physical, social and character development. Sport is an important part of Canadian culture. Integrity, trust, fair play, respect for others and sportsmanship are respected values that can be learned through sport. Persons who engage in prohibited conduct cause harm to athletes and sport participants by acting contrary to these values.

The Policy applies to coaches, officials, volunteers and administrators. Individuals who fulfill these roles and assume positions of authority in sport must take responsibility to ensure the safety and wellbeing of athletes and sport participants, especially young people.

The Policy provides the basis for the Code for Prohibited Conduct in Sport (the Code). The Code consists of expressly prohibited conduct and demands a procedurally fair adjudication process for the organizations and their affiliated members who are responsible for administering it, and for their respective members and participants who are bound by it.

As a condition of eligibility for federal funding sport organizations are required to have in place procedurally fair Codes of Conduct to protect the rights of their members and sport participants.

Prohibited Conduct

The Code defines a 'floor', below which conduct must never fall. Prohibited conduct is conduct that will not be tolerated by coaches, officials, volunteers and administrators involved in positions of authority in Canadian sport. The prohibited conduct set out in the Code is not intended to describe all undesirable or unacceptable conduct. Rather, it serves to define only the most serious misconduct which is fundamentally incompatible with

continued participation in Canadian sport, in any role, in any sport, at any level. Engaging in prohibited conduct will result in significant sanctions being imposed, that may include suspensions and expulsion from membership in the sport organization.

Once adopted by an organization the Code will, in the event of a conflict or inconsistency with any other internal policy, rule or code of the organization relating to discipline or conduct, be the governing document and shall have priority according to its terms. However, other internal policies, rules or codes of the organization may operate concurrently with the Code to the extent they are fully consistent with it.

Purpose

The purposes of the Policy are:

- To clearly prohibit certain misconduct in the Code.
- To ensure within Canada a harmonized, coordinated and effective response to allegations of this most serious misconduct.
- To respect the rights of individuals, through appropriate fair procedures, to determine if a breach of the Code occurred and, if so, what sanction may be appropriate for an individual who engages in prohibited conduct.
- To make any sanction imposed by an organization against an individual pursuant to the Code effective across Canada, in all sports, at all levels and in any role or capacity.

Roles and Responsibilities

Individuals

All coaches, officials, volunteers and administrators involved in Canadian sport to whom the Policy applies, and over whom the Code has jurisdiction, shall support, apply and meet the requirements of the Policy and the Code.

Sport Organizations

Sport organizations have agreed to adopt the Policy and the Code. As such, they shall support, apply and meet the requirements of the Policy and shall implement, with their affiliated members, the provisions of the Code. Adopting organizations and their affiliated members shall respect all sanctions imposed by an adopting organization pursuant to the Code. In addition, they shall respect the designated Review Authority of the Canadian Centre for Ethics in Sport with regard to the Code and its implementation by all those organizations and their affiliated members adopting it.

The Code provides substantive content that can be easily incorporated into or used with an existing Code of Conduct. The Code expresses the minimum standard of conduct that should be prohibited by sport organizations and demands a procedurally fair adjudication process. The Code will mesh with all existing Codes of Conduct and is an additional “tool” to assist sport organizations to deal with the most serious of misconduct.

Canadian Centre for Ethics in Sport

The Canadian Centre for Ethics in Sport (CCES) shall be the Review Authority with the responsibility to monitor the implementation of the Code by those organizations and their affiliated members adopting it. The CCES shall, in the role of Review Authority,:

- Maintain a Registry of all sanctions imposed by an adopting organization pursuant to the Code.
- Review on a periodic basis the Policy and the Code and suggest amendments from time to time for the consideration of the Canadian sport community and those organizations adopting it.
- Monitor the general application of the Code and the extent to which there is effective reciprocal recognition by organizations adopting it of all sanctions that are imposed pursuant to it.

Application

Application of the Canadian Policy on Prohibited Conduct in Sport to Organizations

The application of the Policy and the Code to individuals is based on the contractual relationship which exists between organizations and their members and participants through those individuals’ agreement to participate in sport according to the internal rules and policies of that organization. Organizations committed to protecting the safety and well being of athletes and sport participants will adopt the Policy and the Code as part of their governing documents. As such, they become policies of the adopting organization and a means of describing the responsibilities and obligations binding on the members of, and the participants in the activities of, these adopting organizations and their affiliated members.

Application of the Canadian Policy on Prohibited Conduct in Sport to Individuals

The Policy and the Code applies to coaches, officials, volunteers and administrators if they have engaged in that role and when in that role are, or were,:

- individuals who are/were members of organizations adopting the Policy and the Code, or,

- individuals who are/were members of such bodies' affiliated members, clubs, teams, associations and leagues, or
- individuals who participated, in any capacity in any business, event or activity organized, held, convened, or sanctioned by such bodies, regardless of when they participated or where they reside or are situated.

For the purpose of the Code the foregoing persons are ***Individuals***.

This Policy and the Code do not apply to athletes or those who are actively participating in the sporting or recreation activity, when engaged in that role. For greater certainty, ***Individuals*** are not athletes or those who are actively participating in the sporting or recreation activity, when engaged in that role.

All adopting organizations and ***Individuals*** delegate to the CCES the responsibility and authority of the Review Authority.

Coming into Force and Revision

Coming into Force

The Policy and the Code will be finalized and ready for adoption by sport organizations on April 1, 2009. The Policy and the Code become effective once adopted.

Revision

In keeping with the Canadian Sport Policy, governments and any other sport organizations may suggest revisions to the Policy and the Code in consultation with Coaches of Canada, the CCES, and the Canadian sport community.

Language

The English and French versions of the Policy and the Code are equally authoritative.