

CSCF-Alpine Canada Alpin - Coach Code of Conduct Policy

October 5, 2015

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 that they are role models through which the values and goals of the sport, and the sport organizations they represent, are channelled. The ACA Coach Code of Conduct represents minimum standards of professional conduct for Coaches to become accredited through the Canadian Ski Coaches Federation (“CSCF”), an operating division of Alpine Canada Alpin (“ACA”).

Coach Code of Conduct

Sexual Activity

CSCF Accredited Coaches acknowledge the significant power imbalance inherent in a coach/athlete relationship. Accordingly, every accredited coach must avoid sexual activity with an athlete he/she is professionally coaching, both during the period of time the athlete is being coached by and for that period of time afterwards where there exists an imbalance of power with respect to the CSCF accredited coach which could reasonably jeopardize the athlete’s effective decision making. This provision applies regardless of whether the Athlete and/or Coach consents to any form of sexual relationship.

Sexual Harassment

CSCF Accredited Coaches 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

CSCF Accredited Coaches shall be aware of and strictly comply with the Canadian Anti-Doping Program (CADP) in effect from time to time. Coaches shall not commit any anti-doping rule violation or condone the conduct of others in contravention of the CADP. Coaches shall at all times actively encourage his/her athletes to engage in drug free sport and shall support their efforts to compete drug free. A copy of the CADP, in force as of the date of this amended Code, is available by following this link: <http://www.cces.ca/files/pdfs/CCES-POLICY-CADP-2015-E.pdf>.

Rules of the Sport

CSCF Accredited Coaches 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

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

Compliance with the Coach Code of Conduct

Scope and Application of this Policy

This policy applies to all Coaching staff employed or contracted by or with ACA, as well as all CSCF accredited Coaches. With respect to CSCF accredited coaches, this Policy shall be more particularly applied as described below:

1. The use of this policy for resolving conflict is limited to coaches in “good standing” (i.e. A CSCF Accredited coach with a completed annual filing including confirmation of compliance with this and other applicable Codes of Conduct) at the time the alleged breach of the Coach Code of Conduct took place and secondly to allegations that such coach’s conduct:

- is in respect to athletes he/she is or was professionally coaching, and
- is in breach of this Coach Code of Conduct.

Not every allegation concerning a CSCF accredited coach’s conduct shall justify a resort to this policy.

2. This policy is limited to coaching conduct vis-à-vis athletes the CSCF accredited coach is or was coaching, where the coach/athlete relationship lies at the heart of the coach’s professional role. This policy does not apply to CSCF accredited coach behaviour or actions related to other third parties, such as their employer, other coaches, officials, members of the public, etc.

Reporting a Complaint

3. Any athlete coached by a CSCF accredited coach, that athlete’s parent or any individual directly associated with that athlete/coach relationship may report a complaint to the ACA Director of Domestic Sport, or Delegate together with a written summary of the facts and the substance of the allegations against the coach).

4. Within 7 days of receiving the written notice of complaint and the summary of the allegations, the ACA Director of Domestic Sport, or his designate, shall review the complaint on a prompt basis, to review and determine that the complaint is within the scope of this Policy and that all required facts have been provided by the Complainant. A summary of the complaint shall also be provided to the coach against whom a complaint has been made. Should the complaint be determined to fall outside of this Policy, or if the information provided does not reasonably demonstrate potential violation of the Code, the Director shall dismiss the complaint, with written notice to the complainant.

Should the review of the complaint be determined to warrant further review, the complaint shall be forwarded to the ACA Discipline Advisory Committee (“DAC”). The DAC shall be comprised of a minimum of three (3) members as chosen by the Chief Executive Officer of ACA or his designee. One member of the DAC shall be a representative from the Canadian Centre for Ethics in Sport, or a comparable organization.

The DAC 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. The DAC, at its discretion, may decide not to take further action as contemplated under this Code, if:

- a. the conduct associated with the complaint is more properly dealt with by the coach’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 complaint appears frivolous or vexatious to the DAC.

The DAC's decision regarding the application and implementation of this Code is final. The DAC shall provide the complainant with its decision in writing, with a copy of such decision forwarded to the ACA Chief Executive Officer.

Hearing Panel

5. If the DAC is satisfied that the Complaint falls within the scope of this Code applies then, within 60 days of having received the original notice of the complaint or within 60 days of the DAC receiving all required information, whichever is later, ACA shall establish a Hearing Panel (the "Panel"). The Panel shall be comprised of three (3) individuals comprised as follows:

- a chairperson who is a member of the ACA Board of Directors,
- a representative of the Coaching Association of Canada or Canadian Centre for Ethics in Sport.
- A representative from the ACA Coaching Education Advisory Committee

Preliminary Conference

6. 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, including involvement of the parties as determined by the Panel, 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 coach complained of and the individual submitting the allegations of misconduct.
- 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.

7. The Panel may delegate to its Chairperson the authority to deal with any or all of these preliminary matters.

Procedure for an Oral Hearing

8. 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, and in accordance with natural justice, provided that:

- a. The hearing shall be held at such time as determined by the Panel, in accordance with the availability of parties, within 6 months of the Panel's appointment, and subject to further extensions with the consent of all parties.

- 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 any report prepared by the DAC being relied upon by the Panel as material to their inquiry.
- c. A quorum shall be the single Panel member or all three Panel members, as the case may be.
- d. Decisions of the Panel 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

9. 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 all relevant documents, 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

10. 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

11. 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 DAC, the ACA Chief Executive Officer, and the Chairman of the Board of Alpine Canada Alpin. 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 ACA Code of Conduct occurred, the Panel shall have the right to impose a sanction against the CSCF accredited coach that, in the opinion of the Panel, reflects the seriousness of the breach of the ACA Code of Conduct by the CSCF accredited coach, and 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

12. Sanctions may be imposed on a coach by the Hearing Panel, acting in its sole and absolute discretion. Any sanctions imposed by the Panel must be reasonable and proportionate to the breach of the ACA 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 privileges,
- expulsion from any affiliation or accreditation with the CSCF and ACA.

The Hearing Panel's decision on the appropriate sanction shall be binding on all parties.

Reporting of Criminal Matters

13. All complaints alleging criminal behaviour shall be promptly reported to the appropriate law enforcement authorities on a timely basis.

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, ACA shall keep all proceedings under this Policy confidential, except where disclosure is directed by the Panel or is required 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 DAC, 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.