

<b>POLICY SECTION:</b>	<b>ORGANIZATION – RISK MANAGEMENT</b>	<b>PROCEDURE #</b>	O-002-06
<b>RESPONSIBILITY:</b>	<b>Policy and Governance Committee</b>	<b>EFFECTIVE DATE</b>	Dec. 1 2023
<b>SUBJECT:</b>	<b>CODE OF CONDUCT AND ETHICS FOR ALL PARTICIPANTS INCLUDING PARENTS/GUARDIANS</b>	<b>FIRST ENACTED</b>	June 2015
<b>AUTHORIZED BY:</b>	Board of Directors	<b>REVISED and APPROVED</b>	December 2023

**Background**

This procedure covers anyone participating in Swim Ontario and Member Club sanctioned activities. Individuals can and typically will be subject to the provisions of more than one code simultaneously (please see Swimming Canada, athlete club, tour teams and more). This procedure defines the appropriate actions and conduct of people participating in a Swim Ontario sanctioned activity. Although other organizations may have their own conduct standards this is the minimum expectation of Swim Ontario.

This procedure supports Swim Ontario’s Risk Management policy.

**1) Definitions**

The following terms have these meanings in this Procedure:

- A. **Individuals** – All categories of Membership within the Swim Ontario, as per the Swim Ontario Bylaws, as well as all individuals engaged in activities with Swim Ontario, including but not limited to, clubs, athletes, coaches, officials, volunteers, managers, administrators, directors and officers of Swim Ontario, and parents/guardians of Swim Ontario Registrants.
- B. **Maltreatment** - A volitional act and/or omission described in Sections 4H through 4L, that results in harm or has the potential for physical or psychological harm.
- C. **Physical Maltreatment** - Any pattern or a single serious incident of deliberate conduct, including contact behaviours and non-contact behaviours that has the potential to be harmful to a person’s physical or psychological well-being.
- D. **Psychological Maltreatment** - Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person’s psychological well-being.
- E. **Sexual Maltreatment** - Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person’s sexual integrity.

## 2) Purpose

- A. The purpose of this Comprehensive Code of Conduct and Ethics ("Code") is to provide a safe and positive environment within Swim Ontario programs, activities and events, by making all individuals aware that there is an expectation at all times of appropriate behavior consistent with the values of Swim Ontario as set out in this procedure, below.
- B. Swim Ontario is committed to providing an environment in which all individuals are treated with respect and an environment free of maltreatment. Individuals are expected to conduct themselves at all times in a manner consistent with the values of Swim Ontario that include fairness, integrity, open communication and mutual respect.
- C. Conduct that violates this Code may be subject to sanctions pursuant to Swim Ontario's policies related to discipline and complaints.

## 3) Application

- A. This Procedure applies to conduct that may arise during the course of Swim Ontario business, activities and events, including, but not limited to, its office environment, competitions, practices, training camps, travel, and any meetings of, or on behalf of, Swim Ontario.
- B. This Procedure also applies to the conduct of Individuals that may occur outside of Swim Ontario's business, activities, events and meetings when such conduct adversely affects relationships within Swim Ontario, or its work and sport environment, or is otherwise detrimental to the image and reputation of Swim Ontario.

## 4) Individual's Responsibilities

All Individuals have a responsibility to maintain and enhance the dignity and self-esteem of Swim Ontario Members and other Individuals by:

- A. demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, sex, gender, ancestry, color, ethnic or racial origin, nationality, national origin, sexual orientation, gender identity, gender expression, age, marital status, religion, religious belief, political belief, disability or economic status;
- B. focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees and Members;
- C. consistently demonstrating the spirit of sportsmanship, sports leadership and ethical conduct;
- D. acting, when appropriate, to prevent or correct practices that are unjustly discriminatory;
- E. consistently treating individuals fairly and reasonably; and,
- F. ensuring that the rules of swimming, and the spirit of such rules, are adhered to.
- G. Refrain from all forms of maltreatment.

- H. Refrain from any behavior that constitutes psychological maltreatment or harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious.
- I. Types of behavior that constitute harassment include, but are not limited to:
  - (i) written or verbal abuse, threats or outbursts;
  - (ii) the display of visual material which is offensive or which one ought to know is offensive in the circumstances;
  - (iii) unwelcome remarks, jokes, comments, innuendos or taunts;
  - (iv) leering or other suggestive or obscene gestures;
  - (v) condescending or patronizing behavior which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - (vi) practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - (vii) any form of hazing;
  - (viii) unwanted physical contact including, but not limited to, touching, petting, pinching or kissing; and,
  - (ix) physical or sexual assault.
- J. Behaviors such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment.
- K. Retaliation or threats of retaliation against an individual who reports harassment to Swim Ontario.
- L. Refrain from any behavior that constitutes sexual maltreatment or sexual harassment, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favors, or conduct of a sexual nature. Types of behavior that constitute sexual harassment include, but are not limited to:
  - (i) sexist jokes;
  - (ii) display of sexually offensive material;
  - (iii) sexually degrading words used to describe a person;
  - (iv) inquiries or comments about a person's sex life;
  - (v) unwelcome sexual flirtations, advances, propositions, requests or invitations;
  - (vi) persistent unwanted contact; and,
  - (vii) sexual assault.
- M. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, Swim Ontario adopts and adheres to the Canadian Anti-Doping Program. Any infraction of such Program shall be considered an infraction of this Procedure, and shall be subject to disciplinary action, and possible sanction, pursuant to Swim Ontario's Complaint, Discipline and Appeal procedure.

- N. Swim Ontario will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Swim Ontario or any other sport organization.
- O. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development or supervision of the sport of competitive swimming, if that person is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES). Provided the foregoing is properly established pursuant to the Swim Ontario Complaint, Discipline and Appeal Procedure,
  - (i) such association on the part of the Member shall be considered a breach of Swim Ontario's Code of Conduct and Ethics and appropriate disciplinary sanction may be applied.
- P. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
- Q. In the case of adults, avoid consuming alcohol in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcoholic beverages in adult-oriented social situations associated with Swim Ontario events.
- R. Respect the property of others and not willfully cause damage.
- S. Promote swimming in the most constructive and positive manner possible.
- T. Adhere to all federal, provincial, municipal and host country laws.
- U. Comply at all times with the Bylaws, policies, procedures, rules and regulations of Swim Ontario, as adopted and amended from time to time.
- V. Failure to comply with confidentiality requirements under any other Swim Ontario policy or procedure is an independent breach of the Code of Conduct.
- W. Maintain a healthy and safe work environment for all staff, officials, coaches and volunteers.

### **5) Swim Ontario, Including Board/Committee Members and Staff**

In addition to section 4 above, Board, Committee Members and Staff of Swim Ontario will:

- A. respect the rights, dignity and worth of all persons with whom they engage on behalf of Swim Ontario;
- B. be responsible for the welfare of Swim Ontario, functioning first and foremost, as a member of the Board of Directors and/or committee(s) of Swim Ontario, not as a member of any other particular constituency.
- C. conduct oneself openly, professionally, lawfully and in good faith in the best interests of Swim Ontario;
- D. behave with decorum appropriate to both circumstance and position;
- E. be fair, equitable, considerate and honest in all dealings with others;
- F. exercise due diligence in upholding one's fiduciary responsibility to the Membership of Swim Ontario;

- G. respect the confidentiality appropriate to issues of a sensitive nature;
- H. ensure that all Members are given sufficient opportunity to express opinions, and that all opinions are given due consideration and weight;
- I. respect the decisions of the majority and resign if unable to do so; and,
- J. commit the time to attend meetings and to be diligent in one's preparation for and participation in discussions at such meetings.
- K. Have a thorough knowledge and understanding of all Swim Ontario governance documents including, but not limited to, the following documents:
  - (i) Swim Ontario By-Laws;
  - (ii) Swim Ontario policies and procedures;
  - (iii) roles and responsibilities of volunteer Board Members;
  - (iv) the most recent Club Manual, when dealing with specific clubs; and,
  - (v) completed confidentiality forms.
- L. Meet the highest standards of integrity and suitability, including but not limited to such considerations established by Swim Ontario's Screening Policy, so that the swimming community is satisfied it has minimized the risk of an unsafe environment.

## **6) Member Clubs, Including Board/Committee Members and Staff**

In addition to section 4 above, Member Clubs and their Board, Committee Members and Staff will:

- A. deliver their services in compliance with the By-Laws, policies, rules, regulations and procedures of Swim Ontario and where/when necessary, amend their rules, policies and procedures to comply with those of Swim Ontario;
- B. respect the rights, dignity and worth of all persons with whom they engage on behalf of the club;
- C. be responsible for the welfare of the club, functioning first and foremost as a member of the Board of Directors and/or committee(s) of the club, not as a member of any other particular constituency;
- D. conduct oneself openly, professionally, lawfully and in good faith in the best interests of the club;
- E. behave with decorum appropriate to both circumstance and position;
- F. be fair, equitable, considerate and honest in all dealings with others;
- G. exercise due diligence in upholding one's fiduciary responsibility to the Membership of the club;
- H. Respect the confidentiality appropriate to issues of a sensitive nature;
- I. ensure that all Members are given sufficient opportunity to express opinions, and that all opinions are given due consideration and weight;
- J. respect the decisions of the majority and resign if unable to do so; and,
- K. commit the time to attend meetings and to be diligent in one's preparation for and participation in discussions at such meetings.
- L. Have a thorough knowledge and understanding of all the club's governance documents including, but not limited to, the following documents:

- (i) Club By-Laws;
  - (ii) Club policies and procedures;
  - (iii) roles and responsibilities of volunteer Board Members;
  - (iv) the most recent Club Manual; and,
  - (v) completed confidentiality forms.
- M. Ensure that all athletes, coaches and officials participating in Swim Ontario and club approved activities are registered and, in Good Standing, with Swim Ontario.
- N. Ensure that all coaches of Swim Ontario clubs join Swimming Canada, Swim Ontario, and the Canadian Swimming Coaches Association (CSCA) as coach members.
- O. Operate on an ethical foundation including, but not limited to, engaging only authorized coaching personnel and non-sanctioned athletes, and ensuring all participants are properly registered with the club.
- P. Meet the highest standards of integrity and suitability, so that the swimming community is satisfied the club is maintaining a safe, inclusive and welcoming environment for all participants.

## 7) Parents/Guardians and Spectators

In addition to section 4 above, **Parents/Guardians** of Swim Ontario Members and **Spectators** at events will:

- A. encourage athletes to play by the rules and resolve conflicts without resorting to hostility or violence;
- B. never ridicule a participant for a poor performance or practice; provide positive comments that motivate and encourage participants' continued efforts;
- C. not maliciously question a referee, officials' or Swim Ontario's staffs' judgment or honesty;
- D. respect and show appreciation to all competitors and to the coaches, officials, referees and other volunteers who give their time to the sport;
- E. keep off of the competition area and not interfere with events or calls; and,
- F. Participate in and be bound by the results of any Complaints and Discipline Process.

## 8) Athletes

In addition section 4 above, Athletes will have additional responsibilities to:

- A. report any medical problems in a timely fashion, where such problems may limit the athlete's ability to travel, train or compete;
- B. participate and appear on time, well-nourished and prepared to participate to one's best abilities in all competitions, practices, training sessions, events, activities or projects;
- C. properly represent oneself and not attempt to enter a competition for which one is not eligible, by reason of age, classification or other reason;
- D. adhere to Swim Ontario's rules and requirements regarding clothing and equipment;
- E. at all times, present oneself in a positive manner to all other athletes, Members and coaches;

- F. show respect for, and co-operate with, meet management, pool management, team staff, fellow competitors and people in authority positions within Swim Ontario, as required;
- G. encourage other athletes to play by the rules and to resolve conflicts without resorting to hostility or violence;
- H. never ridicule a participant for a poor performance or practice. Provide positive comments that motivate and encourage participants continued effort; and,
- I. respect and show appreciation to all competitors, coaches, officials and other volunteers who give their time to the sport.

## 9) Coaches

In addition to section 4 above, **Coaches** have additional responsibilities. The athlete-coach relationship is a privileged one and plays a critical role in the personal as well as 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, consciously or unconsciously. Coaches will at all times:

- A. be registered with Swimming Canada (SNC), Swim Ontario, and the Canadian Swimming Coaches Association (CSCA) as coach members in good standing;
- B. meet the highest standards of integrity and suitability, including, but not limited to, such considerations established by Swim Ontario's Screening Policy, so that the swimming community is satisfied it has minimized the risk of an unsafe environment;
- C. ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes, and educating athletes as to their responsibilities in contributing to a safe environment;
- D. 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;
- E. avoid compromising the present and future health of athletes by communicating and cooperating with the athlete's care providers in the diagnosis, treatment and management of athletes' medical and psychological problems;
- F. avoid any self-induced disability, such as the use of intoxicants or drugs, which interferes with or prejudices one's ability to provide services to the athlete;
- G. report any ongoing criminal investigation, bail conditions and convictions, including those for violence; child pornography; the possession, use or sale of any illegal substance or anti-doping activity;
- H. never provide, promote or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances pursuant to the Canadian Anti-Doping Policy and, in the case of minors, alcoholic beverages, cannabis and/or tobacco;
- I. consider paramount the welfare and provision of services for athletes;
- J. accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise;
- K. recognize the role and importance of parents being involved in decisions of importance of athletes who have not attained the legal age in their jurisdiction;

- L. respect the responsibilities and preferences of other coaches and interact in a professional manner;
- M. respect all other teams, and athletes from other teams, and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless first receiving approval from the coach who is responsible for the team or athlete(s) involved;
- N. react to requests by athletes and parents that relate to the joining of another club in an objective manner, with the athlete's welfare always being the primary concern. This includes contact with the head coach of the club that a swimmer may be leaving. This will normally be done within 3 days of first contact from a swimmer or parent, unless extraordinary circumstances intervene;
- O. never engage in a sexual relationship with an athlete under the age of 18 years or an intimate or sexual relationship with an athlete over the age of 18 if the coach is in a position of power, trust or authority over such an athlete;
- P. where an athlete has qualified for a training camp, provincial team, national team, or other such competitive opportunity, the athlete's coach will support the program, applicable coaching staff and Swim Ontario;
- Q. give athletes the opportunity to contribute to proposed training and performance standards as appropriate. Coaches will provide athletes, and the parents/guardians of athletes who are minors, with the information necessary for such persons to be involved in the decisions that affect the athlete, as appropriate; refrain from intervening in personal affairs that are outside the generally accepted jurisdiction of a coach;
- R. act in the best interest of the athlete's development as a whole person;
- S. 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;
- T. dress professionally, neatly and inoffensively; and,
- U. use inoffensive language, taking into account the audience being addressed.

## **10) Officials**

In addition to section 4 above, Officials will have additional responsibilities to:

- A. assist in providing a fair, safe and welcoming environment for all participants within the rules, policies and procedures of Swim Ontario and Swimming Canada;
- B. honour the full commitment and responsibilities of their assigned position;
- C. follow the dress code prescribed by Swim Ontario and/or Swimming Canada for Swim Ontario sanctioned competitions and Swimming Canada designated competitions;
- D. report at the designated time, to the officials' area, sign in, and remain in the area until the session briefing has been completed;
- E. accept the assignment(s) that have been given for the competition session(s);
- F. remain at the assigned station for the entire session, unless otherwise instructed

- by the referee;
- G. know the swimming rules as they apply to your assigned position;
- H. be as unobtrusive and inconspicuous as possible;
- I. be fair, impartial and objective avoiding situations in which a conflict of interest may arise;
- J. make independent judgments;
- K. remain composed and professional at all times, do not lecture, or debate decisions with other participants; and
- L. respect the final decision of the referee and/or the Competition Coordinator.

**11) Sanctions**

The following principles will guide the determination of Prohibited Behaviour and imposition of sanctions are:

- A. harmonized;
- B. comprehensive;
- C. fairness;
- D. trauma-informed;
- E. evidence-driven;
- F. independent administration;
- G. proportionate; and,
- H. expert-informed.

**12) Presumptive Sanctions**

Certain presumptive sanctions apply as follows:

- A. where there is a finding of sexual maltreatment there is a presumptive lifetime ban;
- B. where there is a finding of misconduct related video, or photo use of a non-sexual nature, there is a presumptive penalty of at least a three-months; and
- C. where there is a finding of a breach of confidentiality in a complaint or disciplinary process there is a presumptive penalty of at least one month.

SOCC, SOOC	Ensure support and membership commitment
Clubs	Harmonize club codes of conduct. Ensure support and membership commitment
Registrant & Parent/Guardian	Read and understand the expectations

**Please note that while every effort is taken to ensure accuracy this procedure may have changed. Please contact Swim Ontario staff for any assistance or additional information.**