



## Safeguarding List of Prohibited Conduct

### A. Offences under Domestic Law

<b>Penal Code Offences</b>	Penal Code <a href="#">offences</a> including offences under Hurt, Wrongful Restraint, Criminal Force & Assault Sexual Offences
<b>Ill treatment of a child or Young Person</b>	<a href="#">Section 5</a> - Children & Young Persons Act
<b>Harassment</b>	<a href="#">Section 4</a> - Protection from Harassment Act

### B. Sexual Misconduct

#### 1. Sexual or Gender Related Harassment

- i. Any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) and/or (b), below, are present.
- ii. Includes harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in a. and/or b., below, are present:
  - a. submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in events, sports programs and/or activities; or when submission to or rejection of such conduct is used as the basis for sporting decisions affecting the individual (often referred to as "quid pro quo" harassment); or;
  - b. such conduct creates a Hostile Environment.

#### 2. Sexual Contact without Consent

- i. Any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person.
- ii. Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Participant, or someone else with or on any of these body parts.



### **3. Sexual intercourse without Consent**

- i. Any penetration, however slight, with any object or body part (as described below), by a person upon another person.
- ii. Includes:
  - a. Vaginal penetration by a penis, object, tongue, or finger;
  - b. Anal penetration by a penis, object, tongue, or finger; and;
  - c. Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

### **4. Sexual Exploitation**

- i. When a Participant purposely or knowingly:
  - a. allows third parties to observe private sexual activity from a hidden location (e.g. *closet*) or through electronic means (e.g., Skype or live-streaming of images) without Consent of all parties involved in the sexual activity.
  - b. records or photographs private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without Consent of all parties in the recording or photo.
  - c. engages in voyeurism (e.g., watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed.
  - d. disseminates, shows or posts images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without prior Consent of the person depicted in the images.
  - e. intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge.
  - f. engages in prostituting or trafficking another person

## **C. Emotional & Physical Misconduct**

### **1. Emotional Misconduct**

- i. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.
- ii. Verbal Acts - repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.



- iii. Physical Acts - repeated and/or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- iv. Acts that deny attention or support - Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Participant from practice.
- v. Stalking - occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) the safety of a third person, or (iii) to experience substantial emotional distress. Stalking includes “cyber stalking” using electronic media (*E.g. internet, social networks, texts*)
- vi. Emotional Misconduct does not include:
  - a. professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved athlete performance.
  - b. conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of Participant’s participation.

## 2. Physical Misconduct

- i. Relates to any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person.
- ii. Examples of physical misconduct may include, without limitation:
  - a. Contact violations punching, beating, biting, striking, strangling or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an athlete to return to play prematurely following a serious injury (*e.g. a concussion*) and without the clearance of a medical professional.
  - b. Non-contact violations - isolating a person in a confined space, such as locking an athlete in a small space; forcing a participant to assume a painful stance or position for no athletic purpose (*e.g., requiring an athlete to kneel on a harmful surface*); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.
- iii. Physical Misconduct does not include:
  - a. professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance. *E.g. striking, punching and kicking are well-regulated forms of contact in combat sports, but have no place in rugby*
  - b. conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of Participant’s participation



### 3. Bullying of Minors

- i. Relates to the repeated and/or severe behavior(s) that are:
  - a. aggressive
  - b. directed at a Minor, and
  - c. intended or likely to hurt, control, or diminish the Minor emotionally, physically or sexually.
- ii. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing and/or Harassment.
- iii. *Examples of bullying behavior may include, without limitation, repeated and/or severe:*
  - a. *Physical Hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person.*
  - b. *Verbal Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.*
  - c. *Social, including cyberbullying - Use of rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.*
  - d. *Sexual Ridiculing or taunting based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.*
- iv. Bullying does not include:
  - a. behaviour which is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions.
  - b. professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

### 4. Hazing

- i. Relates to any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization.



- ii. Purported Consent by the person subjected to Hazing is not a defence, regardless of the person's perceived willingness to cooperate or participate.
- iii. *Examples of Hazing include:*
  - a. *Contact acts tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.*
  - b. *Non-contact acts with the use of Force or Coercion in the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.*
  - c. *Sexualized acts - actual or simulated conduct of a sexual nature.*
  - d. *Criminal acts - any act or conduct that constitutes hazing under applicable under the Domestic Law*
- iv. Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict between persons who perceive they have incompatible views and/or positions.
- v. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

## **5. Harassment**

- i. Relates to repeated and/or severe conduct that:
  - a. causes fear, humiliation or annoyance;
  - b. offends or degrades;
  - c. creates a hostile environment (as defined above);
  - d. reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or
  - e. any act or conduct described as harassment under local laws.



- ii. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.
- iii. Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict between persons who perceive they have incompatible views and/or positions.
- iv. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

## **D. Other Inappropriate Conduct**

### **1. Intimate Relationship**

- i. An intimate or romantic relationship between an adult participant and a minor where a Power Imbalance exists is strictly prohibited.
- ii. Engagement in an intimate or romantic relationship between two adults where a Power Imbalance exists are strongly discouraged however not prohibited, unless explicitly laid out in an employment contract or other policy document.
- iii. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship)
- iv. In order to prevent potential abuse of power or perceived or real conflict of interest, parties must declare close personal or intimate relationships in either of the following situations:
  - a. Where a relationship begins that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias
  - b. Where a relationship already exists and a new situation arises that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias.
- v. In order to maintain appropriate relationships with other parties, and help reduce the risk of abuse of power or conflict of interest, those in a position of authority should:
  - a. maintain an appropriate physical and emotional distance from other parties while performing duties;
  - b. perform duties in the best interests of the club/team/organisation without favour towards any individual member over another;
  - c. avoid paying undue special attention to a particular member which may be seen as grooming



- d. conduct all communication related to The Game, written or verbal, in a professional manner
- e. establish boundaries between professional and non-professional communication with parties;
- vi. Where an intimate relationship ends it is expected that all parties will continue to conduct themselves in a professional and avoid personal disputes which impact on the environment or other participants.

## **2. Exposing minor to sexual content or imagery**

- i. Defined by intentionally exposing a minor to content or imagery of a sexual nature, including but not limited to, pornography, sexual comment(s), sexual gestures, and/or sexual situation(s).
- ii. This provision does not exclude the possibility that similar behavior between adult could constitute Sexual Harassment, as defined in the Policy.

## **3. Intentional exposure to private area**

- i. Occurs when a Participant intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an Adult where there is a Power Imbalance, or to a Minor.

## **4. Inappropriate Physical Contact**

- i. Occurs when a Participant engages in inappropriate physical contact with another Participant where there is a Power Imbalance. Such inappropriate contact includes, but is not limited to, intentionally:
  - a. touching, slapping, or otherwise contacting the buttocks or genitals of a Participant;
  - b. excessively touching or hugging a Participant;
  - c. kissing a Participant.

## **5. Willful Tolerance**

- i. Means tolerating any form of Prohibited Conduct, when there is a Power Imbalance between that Participant and the individual(s) who are being subjected to the Prohibited Conduct.

## **E. Misconduct Relating to Procedures**

### **1. False Reporting**

- i. has taken place if the events reported did not occur, and the person making the report



knows the events did not occur.

- ii. A false allegation not an unsubstantiated allegation where there is insufficient supporting evidence to determine whether an allegation is true or false.

## **2. Abuse of Process**

- i. occurs when a Participant directly or indirectly abuses or interferes with the SGC's procedure by:
  - a. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
  - b. destroying or concealing information;
  - c. attempting to discourage an individual's proper participation in or use of SGC's processes;
  - d. harassing or intimidating (verbally or physically) any person involved in SGC's processes before, during, and/or following proceedings (including up to, throughout, and after any review by an arbitrator);
  - e. publicly disclosing a Claimant's identifying information;
  - f. failing to comply with a temporary measure or other sanction;
  - g. distributing or otherwise publicizing materials created or produced during an investigation or appeal as a part of these policies or procedures, except as required by law or as expressly permitted by the SGC; or
  - h. influencing or attempting to influence another person to commit abuse of process.

## **3. Retaliation**

- i. Where an adverse action against any person for making a good faith report of a possible Policy violation to the Safeguarding Committee.
- ii. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in SGC's processes when the action is reasonably related to the report or engagement with SGC.
- iii. Retaliation may be present even where there is a finding that no violation occurred.
- iv. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.