



## TENNIS CANADA: SAFE SPORT CODE OF CONDUCT

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**Effective Date: December 7, 2022**

**Approved by: Board of Directors**

**This policy replaces all previous Tennis Canada Safe Sport Code of Conducts**

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### **Table of Contents**

A. Policy Statement	page 2
B. Definitions	page 2
C. General Principles and Commitments	page 5
D. Scope of Application	page 10
E. Compliance with the Code	page 11
F. Reporting and Investigation	page 12

## A. POLICY STATEMENT

The Code of Conduct (the “Code”) is founded on the highest ethical standards of treating all Organisational Participants with fairness and respect, ensuring the full and fair participation of all persons in the sport of tennis, and facilitating the fair, equitable, transparent and timely resolution of disputes.<sup>1</sup>

Tennis Canada is committed to leading the growth of tennis in Canada by promoting an environment that is free from all forms of misconduct, Prohibited Behaviour and Maltreatment, and that reflects its core values of teamwork, passion, integrity, innovation, excellence, and accountability.

This Code applies to and is meant to protect all Organisational Participants and identifies the standard of behaviour Tennis Canada expects of its Organisational Participants, as well as the consequences of non-compliance. It is incumbent upon every Organisational Participant to voluntarily comply with and be bound by the Code and all of Tennis Canada’s policies as outlined on the Tennis Canada website that are applicable to the individual. Tennis Canada encourages the Reporting of all violations of the Code, especially incidents of alleged Prohibited Behaviour and Maltreatment, regardless of who the offender may be.

Any reference made to Tennis Canada shall be deemed to include the Tennis Professionals Association (“TPA”).

Tennis Canada has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”), as amended from time to time, which shall be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the Sport Dispute Resolution Centre of Canada (“SDRCC”) shall come into effect immediately upon their adoption by the SDRCC without the need for any further action by the NSO.

The NSO has designated specific athletes, staff and others associated with the National Training Centre and National High Performance Program within the NSO as UCCMS Participants. A full list of designated individuals is available from the Director of Safe Sport and Integrity at [jbennett@tenniscanada.com](mailto:jbennett@tenniscanada.com)

It is important to note that the Code applies to all Organisational Participants, but not all Organisational Participants are UCCMS Participants and subject to the OSIC process.

<sup>1</sup> These standards are adapted from the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (the “UCCMS”)

## B. DEFINITIONS

**Athlete:** An individual who is an Athlete Organisational Participant in Tennis Canada who is subject to the policies of Tennis Canada and to this Code.

**Athlete Support Personnel:** Any Coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition.

**Bullying:** Offensive behaviour and/or abusive treatment of an Organisational Participant that typically, but not always, involves an abuse of power.

**Complainant:** A Personnel, Athlete, Coach and/or parent/guardian of a Minor who Reports an alleged or suspected violation of the Code.

**Consent:** As defined in the UCCMS and as amended from time to time by the SDRCC

**Coach:** A Certified Instructor, Tennis Canada employed Coach, Tennis Canada contracted Coach, Club Professional, Coach who is a current member of TPA, or anyone who has completed the Safeguarding Only Certification.

**Days:** Calendar Day

<sup>2</sup>

**Event:** An event sanctioned by the NSO or a Member, and which may include a social Event.

**Independent Third Party (“ITP”):** The independent entity that is retained by Tennis Canada to receive and, if needed, investigate all complaints identified in the Code.

**Member:** Refers to the provincial/territorial organizations that are admitted as Members of Tennis Canada per Tennis Canada’s By-laws.

**Minor:** An Organisational Participant who is under the age of majority at the time and in the jurisdiction where the alleged misconduct, Prohibited Behaviour or Maltreatment occurred. It is the responsibility of the adult to know the age of a Minor.

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<sup>2</sup> For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

The following table illustrates the definition of a Minor for the purposes of protection in each province and territory at the time of writing this Code. Please check your local jurisdiction for potential changes.\*

<b>Province or Territory</b>	<b>Definition of Minor for purposes of protection</b>
Newfoundland and Labrador	under 16 years old
Prince Edward Island	under 18 years old
Nova Scotia	under 19 years old
New Brunswick	under 19 years old
Quebec	under 18 years old
Ontario	under 18 years old
Manitoba	under 18 years old
Saskatchewan	under 16 years old
Alberta	under 18 years old
British Columbia	under 19 years old
Yukon	under 19 years old
Northwest Territories	under 16 years old
Nunavut	under 16 years old

\*Note: Minors with disabilities are eligible for protective services until age 19

**Maltreatment:** As defined in the UCCMS and as amended from time to time by the SDRCC.

**Neglect:** As defined in the UCCMS and as amended from time to time by the SDRCC.

**NSO:** Tennis Canada

**OSIC:** Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner

**Organisational Participants:** Refers to all Athletes, Personnel, Athlete Support Personnel and Coaches, as well as any other individual who is subject to the policies of Tennis Canada, including, without limitation to the extent not already considered an Athlete, Personnel or Coach, any other individual employed by, contracted by, or engaged in activities with Tennis Canada as well as any parent or guardian, spectators, or committee member

**Personnel:** Tennis Canada employees, students, interns, officials, self-employed independent contractors, volunteers, and members of the Board.

**Power Imbalance:** As defined in the UCCMS and as amended from time to time by the SDRCC.

**Reporting (or Report):** As defined in the UCCMS and as amended from time to time by the SDRCC.

**Respondent:** An Organisational Participant who is alleged or suspected to have violated the Code.

**UCCMS:** Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC.

**UCCMS Participant:** An Organisational Participant affiliated with Tennis Canada who has been a) designated by Tennis Canada as a UCCMS Participant and b) who has signed the required consent form. For Tennis Canada, UCCMS Participants include: All National High Performance Program and National Training Centre participants.

**Vulnerable Participant:** As defined in the UCCMS and as amended from time to time by the SDRCC.

## **C. GENERAL PRINCIPLES AND COMMITMENTS**

**Integrity** Organisational Participants will conduct themselves in an open, ethical, and fair manner; will demonstrate integrity through words and actions by doing what is right, by telling the truth and upholding the law; and will be accountable for their conduct.

**Respect** Organisational Participants will strive to ensure that everyone is treated equally, regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation.

Organisational Participants will also preserve the dignity of each person in interacting with others, and respect the principles, rules, and policies in force.

**Dignity** Organisational Participants will maintain and enhance the dignity and self-esteem of Athletes and other individuals by:

- (a) Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation;
- (b) Focusing comments or criticism appropriately and avoiding public criticism of Organisational Participants and Members;
- (c) Demonstrating a spirit of sportsmanship, sport leadership, and ethical conduct;
- (d) Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
- (e) Consistently treating individuals fairly and reasonably; and,
- (f) Ensuring adherence to the rules of the sport and the spirit of those rules.

**Positive Environment** Tennis Canada is committed to providing an environment free of misconduct, Prohibited Behaviour and Maltreatment.

Organisational Participants are dedicated to treating others equitably and creating an inclusive environment free of misconduct, Prohibited Behaviour and Maltreatment.

Organisational Participants are responsible for creating and maintaining a positive working and playing environment, and must be respectful and courteous towards others whether inside or outside of Tennis Canada.

**Honoring Sport** Organisational Participants must strictly observe and ensure observance of all regulations. The aim is to compete fairly and maintain dignity in all circumstances and exercise self-control. It is important for Organisational Participants to respect officials and accept their decisions without questioning their integrity.

**Responsible Behaviour** Tennis Canada expects Organisational Participants to:

- Honour commitments, words given, and agreed to objectives; Maintain confidentiality and privacy of personal information and use it appropriately;
- Avoid deriving personal advantage from a situation or decision;
- Know one's limitations in terms of knowledge and skills when making decisions, giving instructions or taking action;
- Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
- Avoid consuming alcohol in situations where Minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations at Events;
- Do not engage in, directly or indirectly, any acts of violence. All forms of violence are strictly prohibited and will constitute a violation of the Code and may warrant police involvement and investigation;
- Respect the property of others and do not willfully cause damage; and
- Adhere to all federal, provincial, and municipal laws, including host country laws.

**Physical Safety & Health:** Organisational Participants are committed to maintaining a safe environment, including at training and competition site(s), by following health and safety rules and practices. Organisational Participants will operate in a safe manner at all times, and practice care to ensure other Organisational Participants and other third parties are conducting themselves in a safe manner. When Organisational Participants observe unsafe behaviour, he or she has a duty to Report it to the Director of Safe Sport and Integrity as soon as possible, except where the behaviour involves an alleged violation of the UCCMS by a UCCMS Participant, in which case it must be reported to the OSIC.

## **Athlete Safety**

- Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved Athletes.
- Avoid placing Athletes in situations presenting unnecessary risk or that are beyond their level.
- Strive to preserve the present and future health and well-being of Athletes.
- To the extent possible, 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.
- To the extent possible, avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments.
- Safety also includes safe driving practices when Organisational Participants are responsible for transporting Minors, Athletes, or any other individual(s) as part of their responsibilities. To ensure the passengers' safety and reduce the risk of accidents, it is essential that the driver obey all applicable road safety laws and regulations, including no distracted driving, no driving under the influence of drugs, alcohol and/or medication, no smoking or vaping in the vehicle, and no aggressive driving.

## **Athlete Development**

- To the extent possible, support the coaching staff of a training camp, provincial/territorial team, or national team, should an Athlete qualify for participation with one of these programs.
- Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.
- Act in the best interest of the Athlete's development as a whole person.
- Respect Coaches and other Athlete Support Personnel.
- Respect Athletes playing with other teams and, in dealings with them, do not encroach upon topics or actions which are deemed to be within the realm of 'coaching', until the Coaches who are responsible for the Athletes have provided their approval.

## **Athlete Protection**

- Do not, under any circumstances, provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods (as included on the version of the Prohibited List published by the World Anti-Doping Agency currently in force) and, in the case of Minors, alcohol and/or tobacco.
- Do not, under any circumstances, engage in a sexual relationship with an Organisational Participant under the age of 18.

- Do not engage in an intimate or sexual relationship with an Organisational Participant over the age of 18 if you are in a position of power, trust, or authority over the individual (see definition of Power Imbalance).
- Coaches must recognize the power inherent in the position of “coach” and must respect and promote the rights of all Athletes 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 Athletes who are in a vulnerable or dependent position and less able to protect their own rights.

**No Harassment or Misconduct:** Refrain from any behaviour that constitutes harassment, where harassment is defined as behaviour that is likely to be offensive, embarrassing or humiliating, and that involves unwelcome and offensive comments, conduct, gestures or contact based on or related to race, colour, sex, disability, ethnic or national origin, age, religion or creed, sexual orientation, marital or family status, civil status, or other prohibited grounds of discrimination. Types of behaviour that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts;
- The display of visual material which is offensive or which one ought to know is offensive in the circumstances;
- Unwelcome remarks, jokes, comments, innuendo, or taunts;
- Leering or other suggestive or obscene gestures;
- Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- Practical jokes which cause awkwardness or embarrassment, endanger a person’s safety, or negatively affect performance;
- Any form of hazing where hazing is defined as “Any potentially humiliating, degrading, abusive, or dangerous activity expected of individual(s) by a more senior individual(s), which does not contribute to either person’s positive sport experience or development, but is required to be accepted as part of a team, regardless of the individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any individual based on class, number of years on the team, or athletic or other ability”;
- Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing;
- Behaviours 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; and,
- Retaliation or threats of retaliation against an individual who
- Reports harassment to the ITP.

**No Sexual Harassment** Refrain from any behaviour that constitutes Sexual Harassment, as that term is defined in the UCCMS and as amended from time to time by the SDRCC.

**No Sexual Maltreatment** Refrain from any behaviour that constitutes Sexual Maltreatment, as that term is defined in the UCCMS and as amended from time to time by the SDRCC.

**No Doping or Drug Use** Tennis Canada and its organizational participants adopt and adhere to the Canadian Anti-Doping Program. Tennis Canada and its Members will respect any sanction imposed on an Individual as a result of a breach of the [Canadian Anti-Doping Program](#) or any other applicable Anti-Doping Rules.

All Organisational Participants shall:

- a) Abstain from the non-medical use of medications or drugs or the Use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force.
- b) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of Ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable anti-doping rules
- c) Cooperate with any Anti-Doping Organization that is conducting an investigation into any anti-doping rule violation(s)
- d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program
- e) All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under the NSO or a Member's jurisdiction.

**Confidential Information:** Confidential and personal information about Tennis Canada, its Organisational Participants and other third parties shall not be divulged to anyone other than persons who are authorized to receive such information. When there is doubt as to whether certain information is confidential, no disclosure should be made without first asking the Director of Safe Sport and Integrity. This basic policy of caution and discretion in handling confidential information extends to both external and internal disclosure.

**Conflicts of Interest:** Organisational Participants will act in the best interests of Tennis Canada and will avoid conflicts between their personal interests and the interests of Tennis Canada. Potential conflicts may include but are not limited to personal business interests and the interests of family and friends. Any potential conflicts should be discussed with the Director of Safe Sport and Integrity.

**Gifts or Benefits:** Organisational Participants may not accept or tender gifts, entertainment, payments, services, privileges or favours of more than \$150 from or to others such that they could be construed by an impartial observer to be a bribe, pay off or improper incentive in relation to their role with Tennis Canada. When the individual is in doubt as to whether certain gifts or benefits are appropriate he or she should discuss the matter with the Director of Safe Sport and Integrity. Where possible, gifts should be shared internally and not taken personally. Transactions that are considered appropriate activities for a particular job description are acceptable.

## **D. SCOPE OF APPLICATION**

### General

The Code applies to all communications and interactions between Organisational Participants and between Organisational Participants and others outside of Tennis Canada, including Athletes, Coaches, volunteers, vendors, and members of the public, with whom Organisational Participants interact in the course of their employment, contract or affiliation with Tennis Canada.

The Code applies to the conduct of Organisational Participants during all Tennis Canada business, Events and activities, including without limitation: while they are performing services, including at off-site assignments/ tournaments; at employment or contract-related functions or events; when communicating by telephone or electronically; or in situations where there is a connection to the services being performed or Tennis Canada's business or operations. The Code also applies, at all times, to Personnel, Athletes and/or Coaches who are travelling with players (24 hours a day). For further clarity, the Code applies to those Organisational Participants who are now retired or no longer active with Tennis Canada but were when the alleged Code violation occurred.

All complaints related to alleged breaches of the UCCMS by a UCCMS Participant will be filed with and handled by the OSIC. All other complaints will be handled under the terms of the Code as described below.

### Coaches

As it relates to Coaches, the Code applies to, inter alia, coaching and other professional activities undertaken by Coaches, and coaching sessions and club activities, such as competitions, tournaments, matches, practices, tryouts, camps, leagues, round robin, private lessons, group lessons, club social events, school outreach or other community programs. The Code also applies to all travel associated with coaching. In addition to the

Code, Coaches working in clubs are required to adhere to all club policies and procedures.

The Code also applies to a Coach's conduct outside of Tennis Canada-related activities when such conduct adversely affects relationships with members, Organisational Participants and other individuals affiliated with Tennis Canada, and when it is detrimental to the image and reputation of Tennis Canada.

## **E. COMPLIANCE WITH THE CODE**

All Personnel, Athletes and Coaches, and any Organisational Participants requested by Tennis Canada, shall review the Code in its entirety and sign a copy of the Code agreeing to be bound by its terms and conditions. Tennis Canada reserves the right to unilaterally update and/or change the Code at its discretion and will publish any updates on its website.

Organisational Participants are responsible for their actions and must adhere to the Code and the UCCMS. Tennis Canada does not condone or tolerate any violations of the Code or the UCCMS. Violating the Code or the UCCMS will lead to corrective action, which may include, inter alia, termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances. Tennis Canada reserves the right to address violations of the Code (or, where it has jurisdiction, the UCCMS) in the manner it determines to be appropriate as provided for in the Code (or UCCMS where applicable), which may include initiating legal proceedings or reporting such violations to the appropriate authorities.

If Organisational Participants have any questions about what interests may put them in conflict with their duties and responsibilities to Tennis Canada, and/or what constitutes an illegal or unethical act or inappropriate behaviour under the Code or the UCCMS, they are to contact the Director of Safe Sport and Integrity.

### **Criminal Code**

Every Organisational Participant is obligated to self-report any ongoing criminal investigation(s), charge(s), conviction(s), and/or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance.

Any charge(s) and conviction(s) for any of the following Criminal Code offenses will be deemed a violation of the Code and will, other than in exceptional circumstances, result in, inter alia, termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, (where applicable) revocation of the Coach's certification and membership with Tennis Canada and the TPA, or any other sanction(s) that is appropriate in the circumstances:

- a) Any child pornography offences;
- b) Any sexual offences;
- c) Any offence involving violence; and,

d) Any offence involving trafficking of prohibited substances or prohibited methods listed on the World Anti-Doping Agency's Prohibited List.

The decision will be shared with the individual's employer, the Board of Directors of Tennis Canada and the relevant provincial tennis association, as well as any other organization deemed necessary by Tennis Canada.

## **F. REPORTING AND INVESTIGATION**

Organisational Participants are expected to Report all alleged or suspected violations of the Code as soon as possible after experiencing or witnessing the interaction, incident, event or situation of concern. This requirement to Report applies to any alleged or suspected violation(s) of the Code, whether it occurred domestically or abroad.

Except for alleged violations of the UCCMS by UCCMS Participants, which must be filed with the OSIC, all complaints related to any alleged or suspected violation of the Code shall be Reported to Tennis Canada's Independent Third Party ("ITP"). The individual Reporting the alleged or suspected violation is the "Complainant".

### **Preliminary Steps**

Complaints shall be in writing and must be made within 60 days of the alleged or suspected violation, unless exceptional circumstances prevented the Organisational Participant from filing the complaint within this timeline. The ITP may decline to accept a complaint that is made outside of the 60-day timeline. The ITP may also decline to accept a complaint that does not fall within the jurisdiction of this Code or if it is frivolous, vexatious or filed in bad faith<sup>2</sup>.

If a complaint is denied by the ITP for being outside of (a) the 60-day timeline or (b) the jurisdiction of this Code or (c) because the ITP determined that it was frivolous, vexatious or filed in bad faith, the Complainant may follow the appeal route outlined below under "Procedural Appeals".

### **Investigation Process**

Once the ITP accepts a complaint, the following steps will be taken:

1. The ITP shall determine if informal resolution is possible by consulting with the Director of Safe Sport and the parties to the complaint. If the parties agree to attempt informal resolution, the ITP shall refer the file to the SDRCC's early resolution facilitation services;

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<sup>2</sup> As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead

2. If the ITP considers that informal resolution is not possible, the parties do not agree to attempt informal resolution or the parties are not successful in resolving the dispute through informal resolution (if attempted), the ITP will determine if an investigation needs to be conducted. When making this determination, the ITP may consider if there is a need for an independent assessment to determine whether an allegation or, where there are several allegations, which allegations, should be heard by a discipline panel pursuant to this Code because they constitute a likely breach of this Code or (where Tennis Canada has jurisdiction), the UCCMS. Organisational Participants and witnesses are expected to cooperate with the investigator and provide full details, to the best of their ability, of the interaction, incident, event or situation they have experienced or witnessed;

3. Prior to or during the investigation, the Director of Safe Sport and Integrity may take steps to address immediate concerns, such as the safety of Organisational Participants, by imposing interim sanctions pending the outcome of the investigation, including but not limited to, probation, a provisional suspension or restrictions on eligibility;

4. Once the investigation is complete, the investigator will prepare a report with his/her findings regarding whether, on the basis of their factual findings, the allegations constitute a likely breach of this Code or (where Tennis Canada has jurisdiction), the UCCMS. The report will be provided to the Director of Safe Sport and Integrity, to the ITP and to the independent panel appointed by the ITP.

5. The ITP will appoint an independent panel constituted of a single member to determine, on the basis of the findings in investigator's report, if the Respondent has breached this Code or (where Tennis Canada has jurisdiction) the UCCMS. If the panel considers that the Respondent has committed such a breach, it may impose a disciplinary sanction against the Respondent in accordance with the "Resolution and Sanctions" section below.

The parties shall have the right to contest the panel's findings and the imposition of any disciplinary sanction in a full evidentiary hearing before a discipline panel appointed by the ITP that is composed of three independent members (which shall not include the panel that made the original finding and imposed the disciplinary sanction being contested). The decision of the three-member discipline panel may be appealed to the SDRCC. Alternatively, the parties may waive their right to a hearing before a three-member discipline panel and appeal the initial discipline panel's decision in a single and final hearing before the SDRCC.

In every case a summary of the full investigation report will be shared with the Complainant and Respondent, and any other individual deemed appropriate, including the provincial tennis association(s) and/or international tennis federation (ITF). Tennis Canada retains the discretion of whether to share the full investigation report with the parties.

Any procedure outlined in and supporting this Code does not prevent a Complainant from filing a complaint or claim under human rights or occupational health and safety legislation or making a police report. Any activity that is considered to be contrary to the Criminal Code shall be reported to the police.

If a Minor is involved, the parents or guardians of the Minor must be contacted as soon as possible. However, reporting to the police should not be delayed because of the unavailability of a parent or guardian.

### Resolution and Sanctions

If at any time during the disciplinary process the complaint can be resolved to the satisfaction of the Complainant and in a manner acceptable to the Respondent and Tennis Canada, the resolution will be documented, agreed to in writing by both parties, and a copy shall be sent to the Complainant, the Respondent, and Tennis Canada.

Any sanction imposed against a Respondent must be proportionate and reasonable, relative to the violation that has occurred, taking into account previous disciplinary actions.

When determining the appropriate sanction, the discipline panel will consider the following factors (where applicable):

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
- b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
- c) The respective ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of Tennis Canada;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Code; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;

- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating or aggravating circumstances.

Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.

The discipline panel may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice that an Individual has violated the Code and that more severe sanctions will result should the Individual be involved in other violations
- b) **Education** - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the Code or the UCCMS
- c) **Probation** - Should any further violations of the Code or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Tennis Canada. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
- f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Tennis Canada and its Members
- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

The discipline panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions
- c) While a Respondent has pending charges allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

(h) Specific to Coaches

- Imposition of conditions on the Coach's certification and/or membership, with or without the provision that another sanction will be imposed if the conditions are not observed;
- Suspension or revocation of the Coach's certification and/or membership;
- Temporary suspension or termination of Tennis Canada funding to the Coach and/or his/her Club; and
- Banning, in any way, from Tennis Canada events, training and/or facilities.

### **OSIC Sanctions**

As a Program Signatory to the OSIC, Tennis Canada will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within Tennis Canada's jurisdiction (including at the provincial, territorial and club level), once Tennis Canada receives appropriate notice of any sanction or measure from the OSIC.

Once the disciplinary process concludes and sanction(s), if any, are imposed, the Complainant and the Respondent will be notified of the findings and conclusions.

Where appropriate, Tennis Canada, at its discretion, may also give notice of a Code violation to affected third parties, such as a Coach's employer, provincial tennis associations, or others.

The names of Respondents who have been sanctioned and/or whose eligibility to participate in sport has in some way been restricted shall be posted on Tennis Canada's website.

## Appeal of Decision

### A. Procedural Appeals

A procedural appeal may be brought if Tennis Canada's ITP denies the admissibility of a complaint for any of the reasons mentioned in the Preliminary Steps section above.

To submit a procedural appeal, the Complainant must provide a written statement setting out his/her grounds of appeal to the Director of Safe Sport and Integrity within thirty (30) days of the date of receiving the decision. The Director of Safe Sport and Integrity, will then either dismiss the procedural appeal, or allow the procedural appeal and refer the complaint back to the ITP for investigation.

### B. Merit-Based Appeals

A Complainant or Respondent may appeal the decision of the initial single member discipline panel directly to the SDRCC in a single and final hearing. In such instance, the internal appeal process will be considered to have been waived and the hearing before the SDRCC shall be conducted *de novo*, in accordance with the Canadian Dispute Resolution Code.

The Complainant or Respondent may appeal the decision of the three-member discipline panel to the SDRCC; however, in such circumstances, the hearing before the SDRCC shall not be conducted *de novo*.

Any appeals to the SDRCC will be subject to the appeal procedures and the dispute resolution mechanisms found in the Canadian Sport Dispute Resolution Code.

## Other Considerations

### Confidentiality

Organisational Participants can be assured that Tennis Canada will take all possible steps to preserve confidentiality to the extent reasonably possible and in accordance with applicable privacy legislation and other legal requirements. Despite assurances of confidentiality and privacy, Tennis Canada must report incidents that are likely to give rise to a claim to its insurance provider at the time Tennis Canada is made aware of the incident. Moreover, Tennis Canada may be required to share relevant information with child protection authorities and police. Tennis Canada may also be required to provide sufficient information about the allegation(s) to the Respondent to enable him/her to provide a proper response. In many cases, this will mean that anonymity is not feasible or fair.

At the same time, all participants in informal resolution, an investigation or the disciplinary process are expected to keep confidential all discussions and interactions with the mediator, investigator and/or discipline panel, as well as information and records related to the complaint. A failure to maintain confidentiality may result in disciplinary consequences.

Human resources will keep and retain investigation and disciplinary records in accordance with the applicable legislation. Records will be kept as long as the individual is an employee or on contract and as long as possible unless legislation requires their destruction. Such records will be stored in a confidential file maintained and accessed only by the Human Resources manager or his or her delegate. If a complaint is not substantiated, no documentation of the complaint will be placed in the personnel file of the Respondent, but records will be maintained so that repeat patterns can be highlighted.

#### Jurisdiction

Any alleged Code violations or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or Event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Code.

#### Fabricated, Malicious, Frivolous or Vexatious Complaints

If it is determined that a Complainant has made a complaint or influenced others to make a complaint that is fabricated, malicious, frivolous or vexatious, he or she will be subject to disciplinary action up to and including termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances. Repeated unfounded complaints may in appropriate circumstances be considered fabricated, malicious, frivolous or vexatious and result in disciplinary action, up to and including termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances.

An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a Code violation nor will it necessarily be considered fabricated, malicious, frivolous or vexatious.\*

Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*This section is taken in part from the UCCMS