



Policy title:	Harassment and Prohibited Behaviour Policy
Adopted:	Replaced or replaced elements of original policies: Anti-Harassment (November 1996), Complaint Resolution Policy (November 2009) Harassment (June 2010), and several previous Code of Conduct Policies in September 2017 (revised August 2018, December 2018, December 2019, January 2020, May 2020; December 22, 2021)
Current version approved by Board of Directors:	December 19, 2022
<p><b>This Policy has been prepared by Canada Artistic Swimming (CAS) and is applicable to CAS, its PTSOs, Affiliated Organizations and Registrants. This document cannot be modified without consultation with and approval by CAS.</b></p>	

*This Policy should be read together with the CAS Safe and Welcoming Sport Policy Suite Overview, including the definitions that are set out in the Overview. It should also be read together with the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”), which has been adopted by CAS and which applies to all Individuals, CAS, all of its PTSOs and Affiliated Organizations, as amended from time to time.*

## **Organizations’ Commitment to Safe and Welcoming Sport**

1. CAS and all of its PTSOs and Affiliated Organizations aim to provide a working and sporting environment where the dignity of the Individual is respected, free from any form of Discrimination, Harassment, Prohibited Behaviour and Maltreatment as defined in the Safe and Welcoming Sport Policy Suite Overview, including sexual Harassment, and they have adopted the present Policy and a Conduct Policy that reflect that commitment.
  
2. The Organizations:
  - a) recognize that Athletes, Employees, Volunteers, and other Individuals are entitled to a climate free of Discrimination, Harassment, Prohibited Behaviour and Maltreatment;
  - b) recognize that fear of Discrimination, Harassment, acts that constitute Prohibited Behaviour or Maltreatment, including but not limited to sexual, verbal, physical, cyber-Harassment, abuse, bullying and Discrimination can compromise the integrity of the victim and sporting relationships and endanger personal well-being and participation at all levels;

- c) will make every reasonable effort to ensure that no Athlete, Employee, Volunteer, or other Individual is subjected to Discrimination, Harassment, Prohibited Behaviour or Maltreatment;
- d) will take such disciplinary action as they deem appropriate, in accordance with their applicable Policies and Procedures, including the UCCMS, against any person or Individual under their direction or leadership that is bound by this Policy and who subjects any Athlete, Employee, Volunteer, or other Individual to any form of Discrimination, Harassment, Prohibited Behaviour or Maltreatment.

## **Application**

- 3. This Policy applies to all Individuals involved with the Organization's Activities and Events. It applies to Discrimination, Harassment, Prohibited Behaviour or Maltreatment situations or behaviours that may occur during all of the Organization's Activities and Events regardless of location.
- 4. Except in relation to alleged violations of the UCCMS involving UCCMS Participants, which shall be managed by the Office of the Sport Integrity Commissioner ("OSIC"), incidents of Discrimination, Harassment, Prohibited Behaviour and Maltreatment occurring at CAS, a PTSO, or an Affiliated Organization's level shall be dealt with in accordance with the applicable Policy. In absence of a PTSO or Affiliated Organization's Harassment and Prohibited Behaviour Policy, the CAS Harassment and Prohibited Behaviour Policy will apply by default and CAS may decide, at its own discretion, to manage the issue in accordance with the CAS Discipline and Complaint Policy and Procedure.

## **Background and Context**

- 5. All National Sport Organizations ("NSOs") funded by Sport Canada are committed to the goal of safe sport and have agreed that Prohibited Behaviour and Maltreatment have no place in Canadian sport and, when present, must be sanctioned appropriately. The UCCMS adopted by all NSOs comprises definitions, principles, and parameters to prevent and address Prohibited Behaviour and Maltreatment in sport and ensure a safe and welcoming sport system. CAS, as the NSO for the sport of artistic swimming recognized by Sport Canada, its PTSOs, and Affiliated Organizations has adopted the UCCMS, and accepts and endorses the objectives and principles of the UCCMS. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders and the Organizations.
- 6. In addition to adopting and committing to the UCCMS, the Organizations shall abide by and respect the FINA harassment and abuse rules ("FINA HA Rules"), which apply to harassment and abuse situations and incidents occurring during FINA sanctioned events ("FINA covered events") as defined in the FINA HA Rules. The Organizations are responsible to understand and ensure compliance with the FINA HA Rules when applicable. For clarity, the FINA HA Rules will not apply outside of FINA covered events. Situations and incidents occurring at non-covered events such

as at CAS, PTSO, or Affiliated Organizations' Activities and Events will be governed by the Organization's Policy.

7. The Organizations agree and are committed to ensuring that their Activities and Events shall be free of any form of Discrimination, Harassment, Prohibited Behaviour or Maltreatment.

## **Common Understandings**

8. The Organizations agree, accept, and endorse the following common understandings:
  - a) All Individuals in sport can expect to play, practice, compete, work, and interact in an environment free from Discrimination, Harassment, Prohibited Behaviour and Maltreatment.
  - b) Addressing the causes and consequences of Discrimination, Harassment, Prohibited Behaviour and Maltreatment is a collective responsibility that requires the deliberate efforts of all Individuals, CAS, PTSOs, Affiliated Organizations, Sport Partners, and Persons in Leadership.
  - c) Individuals in positions of trust and authority have a general responsibility to protect the health and well-being of other Individuals.
  - d) Adult Individuals have specific ethical and statutory duties and additional responsibility to respond to incidents of Discrimination, Harassment, Prohibited Behaviour or Maltreatment involving Minors and Vulnerable Participants.
  - e) All Individuals recognize that Discrimination, Harassment, Prohibited Behaviour and Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, religion, race, ethnicity, indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that Individuals from traditionally marginalized groups have increased vulnerability to experiences of Discrimination, Harassment, Prohibited Behaviour and Maltreatment.
  - f) All Individuals recognize that Individuals who have experienced Discrimination, Harassment, Prohibited Behaviour and Maltreatment may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
  - g) All adults working with Minors and Vulnerable Persons have a duty to prevent or mitigate opportunities for Discrimination, Harassment, Prohibited Behaviour and Maltreatment and shall comply with this Policy and other related Policies.
  - h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, Individuals in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias and unconscious bias, and to respond quickly and effectively to discriminatory practices.

## Confidentiality

9. The Organizations recognize that it can be extremely difficult to come forward with a Complaint of Discrimination, Harassment, Prohibited Behaviour or Maltreatment and that it can also be devastating to be wrongly accused of such misconduct. The Organizations recognize the interests of both the Complainant and the Respondent in keeping the matter confidential.
10. A Complainant, Respondent or Organization will not disclose to any person the existence of a Complaint involving an allegation of Discrimination, Harassment, Prohibited Behaviour or Maltreatment, the names of the Complainant, the Respondent, or any other involved Individual, or the circumstances related to the situation, except where disclosure is necessary for the purpose of pursuing or defending against the Complaint, investigating or taking disciplinary action, or as required by law or otherwise authorized by the Organization's Discipline and Complaint Policy and Procedure.

## Complaint Procedure

11. An Individual who experiences Discrimination, Harassment, Prohibited Behaviour and Maltreatment is encouraged, when appropriate, to make it known to the individual engaging in any such conduct that the behaviour is unwelcome, offensive, and contrary to this Policy.
12. If confronting the individual engaging in the wrongful conduct is not possible, or if after confronting this individual the Discrimination, Harassment, Prohibited Behaviour and Maltreatment continues, the Complainant may request a confidential meeting with the CAS ICA or the applicable Organization's Complaint Triage Officer for support and guidance.
13. An Individual who believes that they have been the victim of or witness to Discrimination, Harassment, Prohibited Behaviour or Maltreatment has the right to:
  - a) In the case of an alleged breach of the UCCMS involving a UCCMS Participant, report the matter to the OSIC;
  - b) Contact, in full confidence, the ICA or applicable Organization's Complaint Triage Officer;
  - c) Except as provided in Section 13(a), file a Complaint or Reported Incident under the Organization's Discipline and Complaint Policy and Procedure, without fear of embarrassment or retaliation; and
  - d) Contact the appropriate human rights commission, child protection agency or law enforcement authority directly, if deemed necessary or required by law.
14. Except for cases that must be heard before the OSIC, as described above and in the Organization's Discipline and Complaints Policy, a Reported Incident or Complaint of Discrimination, Harassment, Prohibited Behaviour or Maltreatment will be managed in accordance with the Organization's Discipline and Complaint Policy and Procedure and will be

considered to be a Major Infraction as defined in the Safe and Welcoming Sport Policy Suite Overview unless the ICA or the applicable Organization's Complaint Triage Officer determines otherwise.

## **Policy in Concert with Other Policies and Agreements**

15. This Policy shall be read and interpreted with the Organization's other Policies and By-laws including the Conduct Policy, Discipline and Complaint Policy and Procedure, the Equity, Diversity and Inclusion Policy, the Screening Policy and the Coach Registration and Certification Policy.
16. This Policy shall be integral part of all agreements of the Organization and shall be complied with by all Individuals and parties that are signatories to such agreements.