

# WHEELCHAIR BASKETBALL CANADA

## SAFE SPORT POLICY MANUAL



**WHEELCHAIR  
BASKETBALL  
CANADA**

Approved on January 25, 2023

## **INTRODUCTION**

Wheelchair Basketball Canada (WBC) and its Members have a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the Canadian wheelchair basketball community.

WBC and its Members take any situation involving misconduct or Maltreatment very seriously; for this reason, WBC and its Members are collectively committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or Maltreatment.

This WBC Safe Sport Policy Manual contains policies for the entire wheelchair basketball community, that are applicable from coast to coast to coast and from the national team to the club level. The policies are intended to promote a safe sport environment in a manner that allows for consistent, immediate, appropriate and meaningful action should any issues arise, but also to prevent issues from arising by communicating expected standards of behaviour to all organizational participants.

This Safe Sport Policy Manual has been prepared by Wheelchair Basketball Canada, in partnership with Sport Law and Strategy and is intended to be a set of pan-Canadian policies applicable to Wheelchair Basketball Canada and its Members, which Members should adopt through a Member Declaration as necessary. Subject to provincial or territorial legislation that may impact the application of any of the policies found in this Manual, all Wheelchair Basketball Canada Members are expected to apply the Policies as written. Members who need to apply any policy in a different manner due to provincial or territorial legislation must advise Wheelchair Basketball Canada.

### REVISION HISTORY

Policy/Policies	Date	Summary of Changes
All Policies	02-02-2021	Manual Created
All Policies	01-06-2022	Updates from SLS
All Policies	01-25-2023	Board Approval

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## SAFE SPORT POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Maltreatment”* – As defined in the [Code of Conduct and Ethics](#)
  - b) *“Organizational Participant”* – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, parents/guardians of athletes, directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.
  - c) *“Person in Authority”* – An Organizational Participant who holds a position of authority within Wheelchair Basketball Canada including, but not limited to, coaches, managers, support personnel, chaperones, and Directors

### Purpose

2. This Policy describes how Wheelchair Basketball Canada aims to provide a safe sport environment.

### Commitment to True Sport Principles

3. Wheelchair Basketball Canada commits to the True Sport Principles which are:
  - a) **Go for It** – Rise to the challenge – always strive for excellence. Discover how good you can be.
  - b) **Play Fair** – Play honestly – obey both the letter and spirit of the rules. Winning is only meaningful when competition is fair.
  - c) **Respect Others** – Show respect for everyone involved in creating your sporting experience, both on and off the field. Win with dignity and lose with grace.
  - d) **Keep it Fun** – Find the joy of sport. Keep a positive attitude both on and off the field.
  - e) **Stay Healthy** – Place physical and mental health above all other considerations – avoid unsafe activities. Respect your body and keep in shape.
  - f) **Include Everyone** – Share sport with others. Ensure everyone has a place to play.
  - g) **Give Back** – Find ways to show your appreciation for the community that supports your sport and helps make it possible.

## **Commitment to a Sport Environment Free from Maltreatment**

4. Wheelchair Basketball Canada makes the following commitments to a sport environment free from Maltreatment:
  - a) All Organizational Participants in sport can expect to play, practice and compete, work, and interact in an environment free from Maltreatment.
  - b) Addressing the causes and consequences of Maltreatment is a collective responsibility and requires the deliberate efforts of all Organizational Participants, sport stakeholders, sport club administrators and organization leaders.
  - c) Organizational Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other Organizational Participants.
  - d) Adult Organizational Participants have a specific ethical and statutory duty and the additional responsibility to respond to incidents of Maltreatment involving Minors and other Vulnerable Individuals.
  - e) All Organizational Participants recognize that Maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of Maltreatment.
  - f) All Organizational Participants recognize that individuals who have experienced 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 have a duty to prevent or mitigate opportunities for misconduct.
  - h) In recognition of the historic vulnerability to discrimination and violence amongst some groups, and that continues to persist today, Organizational Participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices

## **Pledge**

5. The stakeholders, members, and leaders of Wheelchair Basketball Canada are expected to live the True Sport Principles and Wheelchair Basketball Canada pledges to embed the True Sport Principles in its governance and operations in the following ways:

- a) Conduct Standards – Wheelchair Basketball Canada will adopt comprehensive conduct standards that are expected to be followed by Organizational Participants
- b) Athlete Protection – Wheelchair Basketball Canada will provide coaches and other stakeholders with general and sport-specific [Athlete Protection Guidelines](#)
- c) Dispute Resolution and Investigations – Wheelchair Basketball Canada will have dispute resolution processes that are confidential and procedurally fair and that require independent investigation for certain alleged violations of the conduct standards
- d) Strategy – Wheelchair Basketball Canada will have strategic plans that reflects the organization’s mission, vision, and values
- e) Governance – Wheelchair Basketball Canada will have a diverse blend of sport leaders and will adhere to principles of good governance
- f) Risk Management – Wheelchair Basketball Canada will intentionally manage risks to its operations and events through the use of risk management plans and/or risk registries

### **Conduct Standards**

- 6. Wheelchair Basketball Canada will adopt a [Code of Conduct and Ethics](#) that describes standards of conduct and behaviour for all Organizational Participants. General standards of conduct will apply to all Organizational Participants and specific standards will be described for positions within the organization. The *Code of Conduct and Ethics* will have specific sections, including but not limited, to:
  - a) Athletes
  - b) Coaches
  - c) Officials
  - d) Classifiers
  - e) Directors and Committee Members
  - f) Parents and Spectators
  - g) Members and Clubs
- 7. The *Code of Conduct and Ethics* will contain detailed definitions of key terms, including:
  - a) Harassment

- b) Maltreatment
- c) Workplace Harassment
- d) Workplace Violence
- e) Discrimination

8. The *Code of Conduct and Ethics* will include the following definition of Hazing:

- a) Hazing is a form of conduct that exhibits a potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking 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 teammate or group member based on class, number of years on the team or with the group, or ability

#### *Anti-Doping*

9. The *Code of Conduct and Ethics* will indicate that Wheelchair Basketball Canada adopts and adheres to the [Canadian Anti-Doping Program](#).

#### *Social Media*

10. Wheelchair Basketball Canada will adopt a [Social Media Policy](#) that describes standards of conduct that are expected on social media by Organizational Participants. The *Social Media Policy* will indicate specific conduct standards and risks that are common and/or exclusive to social media.

11. The *Social Media Policy* will highlight the importance of responsible coach-athlete interaction on social media and will provide examples of violations of conduct standards.

#### **Athlete Protection**

##### *Screening*

12. Wheelchair Basketball Canada will adopt a comprehensive [Screening Policy](#) that requires some Organizational Participants to pass a screening process before being permitted to interact with athletes. The *Screening Policy* will:

- a) Categorize positions in the organization as 'Low Risk', 'Medium Risk', and 'High Risk' and require progressive screening measures for individuals serving in each category of risk

- b) Describe how frequently some Organizational Participants must obtain a police records check and which type of check(s) they must obtain
  - c) Describe how frequently some Organizational Participants must submit Screening Disclosure Forms and Screening Renewal Forms
  - d) Empower a Screening Committee to prohibit Organizational Participants who do not pass screening from participating in certain positions
  - e) Empower a Screening Committee to attach conditions to an Organizational Participant's participation in certain positions
13. Wheelchair Basketball Canada will develop general and sport-specific [Athlete Protection Guidelines](#) that can be used by coaches, managers, medical personnel, and other persons in authority. Wheelchair Basketball Canada may provide training on the guidelines and take steps to ensure the guidelines are being implemented. Wheelchair Basketball Canada will conduct a regular review of the guidelines to add and/or modify new guidelines as appropriate.

#### *Resources*

14. Wheelchair Basketball Canada will regularly provide information to Organizational Participants about resources and training related to athlete protection. Resources and training opportunities can include:
- a) [NCCP modules](#)
  - b) [Safe Sport Training](#)
  - c) [Respect in Sport](#)
  - d) [Commit to Kids](#)

#### *Athlete Engagement*

15. Wheelchair Basketball Canada will engage with athletes to determine the level of success of their athlete protection measures as well as to identify any gaps or athlete concerns. This engagement may take the form of:
- a) Anonymous athlete surveys
  - b) Athlete involvement in organizational decision-making
  - c) Independently-led athlete outreach consultations

## Dispute Resolution

16. Wheelchair Basketball Canada will have a comprehensive suite of dispute resolution policies that will include:

- a) *Discipline and Complaints Policy (with Investigations Procedure)*
- b) *Appeal Policy*
- c) *Dispute Resolution Policy*
- d) *Event Discipline Procedure*
- e) *Whistleblower Policy*

17. Taken together, the suite of dispute resolution policies will include the following features:

- a) An independent individual to whom complaints can be submitted
- b) Sanctions for violations of conduct standards
- c) Mechanism for suspension of individuals pending the conclusion of the process
- d) Non-biased and experienced case managers, decision-makers and/or investigators
- e) Protection from reprisal for submitting complaints
- f) Independency of appeal procedures (when appeals are permitted)
- g) Opportunity for alternate dispute resolution
- h) Investigations of certain complaints (e.g., when required by law and/or when the complaint involves harassment, abuse, or discrimination)
- i) In-event discipline procedures (when an event does not have its own disciplinary procedures)

### *Obligations – Reporting and Third-Party Case Management*

18. The policies of Wheelchair Basketball Canada will include requirements that certain complaints must be reported to government entities, the Office for the Sport Integrity Commissioner (“OSIC”), local police forces, and/or child protection agencies.

19. The policies of Wheelchair Basketball Canada will include requirements that certain complaints must be received by an independent third party that has no affiliation with Wheelchair Basketball Canada.

## Records

20. Wheelchair Basketball Canada will retain records of decisions that have been made pursuant to the organization's policies. These records may be shared with other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, multi-sport organizations, and government entities.

## Governance and Operations

21. Wheelchair Basketball Canada will have a comprehensive plan in which athlete protection and safe sport are top priorities for the organization.
22. Wheelchair Basketball Canada will adopt a *Risk Management Policy* that will describe how the organization will address risks ranging from 'Unlikely' to 'Almost Certain' and from 'Minor' to 'Catastrophic'. Wheelchair Basketball Canada will contemplate risk management strategies that retain, reduce, transfer, and/or avoid the risk. Risks can occur in the following areas:
  - a) Operational/Program
  - b) Compliance
  - c) Communication
  - d) External
  - e) Governance
  - f) Financial
  - g) Health and Safety
23. Wheelchair Basketball Canada will pursue a governance structure that reflects the diversity of the athletes and stakeholders within the sport, that adheres to all applicable federal and/or provincial/territorial legislation, and that moves toward a national alignment strategy for the sport in Canada.
24. Wheelchair Basketball Canada will continually monitor and evaluate its policies, practices, and procedures.

## ANTI-DOPING POLICY

### DEFINITIONS

1. These terms will have these meanings in this Policy:
  - a) *“Canadian Centre for Ethics in Sport (CCES)”* – The CCES is an independent, national, not-for-profit organization responsible for administering Canada’s Anti-Doping Program (CADP) and the World Anti-Doping Code in Canada.
  - b) *“Canadian Anti-Doping Program (CADP)”* – Set of rules that govern doping control in Canada. The full Policy can be viewed [here](#).
  - c) *“Organizational Participant”* – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.
  - d) *“WADA”* – World Anti-Doping Agency.

### BACKGROUND AND POSITION STATEMENT

2. Wheelchair Basketball Canada is unequivocally opposed, on ethical, medical and legal grounds to the practice of doping in sport and fully supports the position of International Olympic Committee, the Canadian Olympic Committee, Canadian Paralympic Committee, Sport Canada, the World Anti-Doping Agency (WADA), and the Canadian Centre for Ethics in Sport (CCES), against the use, possession and supply of banned substances and methods in basketball.
3. Wheelchair Basketball Canada will continue to promote this position and will encourage its international and provincial/territorial partners to work together in support of a drug-free environment.

### APPLICATION

4. This Policy applies to all Organizational Participants.
5. Wheelchair Basketball Canada will respect any penalty enacted pursuant to a breach of the CADP, whether imposed by WADA or the CCES.

### POLICY STATEMENT

6. Wheelchair Basketball Canada recognizes the role of the World Anti-Doping Agency in setting global standards, coordinating anti-doping worldwide and implementing all portions of the World Anti-Doping Code, which can be viewed [here](#).

7. The CADP is administered on behalf of WADA by the CCES and Wheelchair Basketball Canada accepts and adopts the designated authority and policies of the CCES on all anti-doping matters.
8. For further clarity, Wheelchair Basketball Canada has adopted and agrees to abide by the CADP as the anti-doping policy and regulations of Wheelchair Basketball Canada, as administered by the CCES, and as it may be amended from time to time.

#### **PUBLIC ANNOUNCEMENT OF RESULTS AND INFRACTIONS**

9. Wheelchair Basketball Canada will comply with the CADP guidelines with respect to public announcements of positive test results.

#### **ANTI-DOPING EDUCATION PROGRAM**

10. Wheelchair Basketball Canada will provide regular information and news on the anti-doping program domestically and internationally and will arrange for the presentation of an anti-doping educational program with support material from CCES to groups of athletes and coaches at camps and competitions whenever reasonably possible.

#### **SANCTIONS**

11. All Organizational Participants and persons sanctioned by virtue of the CADP will be ineligible to participate in any role and in any competition or activity organized, convened, held or sanctioned by Wheelchair Basketball Canada or its Member associations as per the penalties imposed.
12. Wheelchair Basketball Canada may apply further sanctions or penalties in accordance with Wheelchair Basketball Canada's policies, including but not limited to the Code of Conduct.

## APPEAL POLICY

### Definitions

1. These terms will have these meanings in this Policy:
  - a) “*Appellant*” – the Party appealing a decision.
  - b) “*Days*” – Days including weekends and holidays.
  - c) “*Appeal Manager*” – An individual appointed by Wheelchair Basketball Canada who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee this Policy. The Appeal Manager will have responsibilities that include, but are not limited to:
    - i. Ensuring procedural fairness;
    - ii. Respecting the applicable timelines; and
    - iii. Using decision making authority empowered by this Policy.
  - d) “*Organizational Participant*” – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.
  - e) “*Parties*” – The Appellant, Respondent, and any other Participants affected by the appeal
  - f) “*Respondent*” – the individual or body whose decision is being appealed.

### Purpose

2. Wheelchair Basketball Canada is committed to providing an environment in which all Organizational Participants involved with Wheelchair Basketball Canada are treated with respect and fairness. Wheelchair Basketball Canada provides Organizational Participants with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by Wheelchair Basketball Canada.
3. Further, some decisions made by the process outlined in Wheelchair Basketball Canada’s [\*Discipline and Complaints Policy\*](#) may be appealed under this Policy.

### Scope and Application

4. This Policy applies to all Organizational Participants. Any Organizational Participant who is directly affected by a decision by Wheelchair Basketball Canada shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.
5. This Policy **will apply** to decisions relating to:
  - a) Eligibility

- b) Selection
  - c) Conflict of Interest
  - d) Discipline
  - e) Membership
6. This Policy **will not apply** to matters relating to:
- a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than Wheelchair Basketball Canada
  - e) Substance, content, and establishment of team selection criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Budgeting and budget implementation
  - h) Wheelchair Basketball Canada's operational structure and committee appointments
  - i) Decisions or discipline arising within the business, activities, or events organized by entities other than Wheelchair Basketball Canada (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Wheelchair Basketball Canada at its sole discretion)
  - j) Decisions made by the Office for the Sport Integrity Commissioner ("OSIC")
  - k) Commercial matters for which another appeals process exists under a contract or applicable law
  - l) Decisions made under this Policy

### **Timing of Appeal**

7. Organizational Participants who wish to appeal a decision will have seven (7) days from the date on which they received notice of the decision, to submit in writing to the head office of Wheelchair Basketball Canada the following:
- a) Notice of their intention to appeal.

- b) Contact information and status of the Appellant.
  - c) Name of the Respondent and any affected parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed.
  - e) A copy of the decision being appealed, or description of decision if written document is not available.
  - f) Grounds for the appeal.
  - g) Detailed reason(s) for the appeal.
  - h) All evidence that supports the reasons and grounds for an appeal.
  - i) The remedy or remedies requested.
  - j) A fee of two hundred dollars (\$200), which may be refundable at the discretion of the panel.
8. Any party wishing to initiate an appeal beyond the seven (7) day period must provide a written request stating reasons for an exemption. The decision to allow, or not to allow an appeal outside the seven (7) period will be at the sole discretion of the Appeal Manager and may not be appealed.

### **Grounds for Appeal**

9. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
- a) Made a decision for which it did not have authority or jurisdiction to make, as set out in the Respondent's governing documents.
  - b) Failed to follow procedures as laid out in the bylaws or approved policies
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

### **Screening of Appeal**

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), Wheelchair Basketball Canada may first suggest

that the appeal to be considered under Wheelchair Basketball Canada's [Dispute Resolution Policy](#).

12. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Wheelchair Basketball Canada will appoint an independent Appeal Manager (who must not be in a conflict of interest) who has the following responsibilities:
  - a) Determine if the appeal falls under the scope of this Policy
  - b) Determine if the appeal was submitted in a timely manner
  - c) Decide whether there are sufficient grounds for the appeal
13. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed. Appeals resolved by mediation under Wheelchair Basketball Canada's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant
14. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

#### **Procedure for the Hearing**

15. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
16. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
17. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances, provided that:
  - a) The hearing will be held within the appropriate timeline determined by the Appeal Manager.
  - b) The Parties will be given reasonable notice of the day, time and place of the hearing.
  - c) Copies of any written documents which the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing in accordance with the appropriate

timeline.

- d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
- e) The Panel may request that any other individual participate and give evidence at the hearing or request further information from the Parties.
- f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome.
- h) Decisions of the Panel will be by majority vote of Panel members.

### **Appeal Decision**

18. Within fourteen (14) days of the hearing's conclusion, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

- a) Reject the appeal and confirm the decision being appealed; or
- b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- c) Uphold the appeal and vary the decision.
- d) Determine how costs of the appeal will be allocated, if at all
- e) Refund the appeal fee of \$200 to the Appellant

19. The decision will be considered a matter of public record. A copy of this decision will be provided to the Parties and to Wheelchair Basketball Canada. Where time is of the essence, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the appropriate timelines.

### **Confidentiality**

20. The appeal process is confidential involving only Wheelchair Basketball Canada, the parties, the Appeal Manager and the Panel and any independent advisors to the Appeal Panel.

21. Notwithstanding the above, Wheelchair Basketball Canada recognizes that it is required to notify Sport Canada of all reported complaints and reports of potential complaints.
22. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the appeals process, unless Wheelchair Basketball Canada is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

### **Timelines**

23. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

### **Final and Binding Decision**

24. The decision of the Panel will be final and binding upon the parties and upon all members of Wheelchair Basketball Canada subject to the right of any party to seek a review of the Panel's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC), as amended from time to time.
25. Where a decision under appeal relates to a carding matter governed by the policies and procedures of the Athlete Assistance Program, such policies will apply.

# ATHLETE PROTECTION GUIDELINES

## Definitions

1. The following terms have these meanings in these Guidelines:
  - a) *“Person in Authority”* – An Individual who holds a position of authority within Wheelchair Basketball Canada including, but not limited to, coaches, managers, support personnel, chaperones, classifiers and Directors
  - b) *“Vulnerable Participants”* – Includes minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority)

## Purpose

2. These athlete protection guidelines describe how Persons in Authority can maintain a safe sport environment for athletes.
3. Violations of this Policy that may be considered “Prohibited Behaviour” or “Maltreatment” (as defined in the UCCMS) when the Respondent is an Organizational Participant who has been designated by WBC as a UCCMS Participant (as defined in the [Discipline and Complaints Policy](#)), may be handled pursuant to the policies and procedures of the Office of the Sport Integrity Commissioner (“OSIC”), subject to the rights of WBC as set out in the *Discipline and Complaints Policy* and any applicable workplace policies.

## Interactions between Persons in Authority and Athletes – Rule of Two

4. For interactions between Persons and Authority and Athletes, Wheelchair Basketball Canada strongly recommends the ‘Rule of Two’ for all Persons in Authority who interact with athletes. The ‘Rule of Two’ is a directive that says that an athlete must never be alone one-on-one with an unrelated Person in Authority.
5. Wheelchair Basketball Canada recognizes that fully implementing the ‘Rule of Two’ may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
  - a) The training environment should be open and transparent so that all interactions between Persons in Authority and Athletes are observable
  - b) Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete
  - c) Persons in Authority shall not invite or have an unrelated Vulnerable Participant (or Vulnerable Participants) in their home without the written permission and contemporaneous knowledge of the Vulnerable Participant's parent or guardian

Vulnerable Participants must not be in any situation where they are alone with an unrelated Person in Authority without another screened adult or Athlete present unless prior written permission is obtained from the Vulnerable Participant's parent or guardian.

### **Practices and Competitions**

6. For practices and competitions, the Organization and its Members recommends:
  - a) A Person in Authority should never be alone with a Vulnerable Participant prior to or following a competition or practice unless the Person in Authority is the Vulnerable Participant's parent or guardian
  - b) If the Vulnerable Participant is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or Person in Authority arrives
  - c) If a Vulnerable Participant would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with a Vulnerable Participant
  - d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another Person in Authority
  - e) Persons in Authority and Athletes should take steps to achieve transparency and accountability in their interactions. For example, a Person in Authority and an Athlete who know they will be away from other Participants for a lengthy period of time must inform another Person in Authority where they are going and when they are expected to return. Persons in Authority should always be reachable by phone or text message

### **Communications**

7. For communication between Persons in Authority and Athletes, Wheelchair Basketball Canada recommends:
  - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and athletes
  - b) Persons in Authority may only send personal texts, direct messages on social media or emails to individual athletes when necessary and only for the purpose of communicating information related to team issues and activities (e.g., non-personal information)

- c) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such communication occurs, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian (when the Athlete is a Vulnerable Participant)
- d) Parents and guardians may request that their child not be contacted by Persons in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communications
- e) All communication between Persons in Authority and athletes must be between the hours of 6:00am and midnight unless extenuating circumstances exist
- f) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted
- g) Persons in Authority are not permitted to ask athletes to keep a secret for them
- h) A Person in Authority should not become overly-involved in an athlete's personal life

### **Travel**

8. For travel involving Persons in Authority and Athletes, Wheelchair Basketball Canada recommends:

- a) Teams or groups of Athlete should always have at least two Persons in Authority with them
- b) For mixed gender teams or groups of Athletes, there should be one Person in Authority from each gender
- c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
- d) Persons in Authority should avoid driving a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian
- e) A Person in Authority may not share a room or be alone in a hotel room with an athlete unless the Person in Authority is the athlete's parent or guardian
- f) Room or bed checks during overnight stays must be done by two Persons in Authority
- g) For overnight travel when athletes share a hotel room, roommates will be of the same gender identity

## **Locker Room / Changing Area / Meeting Room**

9. For locker rooms, changing areas and other closed meeting spaces, Wheelchair Basketball Canada recommends:

- a) Interactions between a Person in Authority and an individual athlete should not occur in any room where there is a reasonable expectation of privacy such as the locker room, meeting room, restroom, or changing area. A second Person in Authority should be present for any necessary interaction in any such room
- b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required

## **Photography / Video**

10. For all photography and video of an Athlete, Wheelchair Basketball Canada recommends:

- a) Parents/guardians should sign a photo release form (i.e., as part of the registration process) that describes how an athlete's image may be used by Wheelchair Basketball Canada
- b) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the athlete.
- c) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
- d) Examples of photos that should be edited or deleted include:
  - i. Images with misplaced apparel or where undergarments are showing
  - ii. Suggestive or provocative poses
  - iii. Embarrassing images

## **Physical Contact**

11. Wheelchair Basketball Canada understands that some physical contact between Persons in Authority and athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. For physical contact, Wheelchair Basketball Canada recommends:

- a) Unless it is not possible because of serious injury or other circumstance, a Person in Authority should always clarify with an athlete where and why any touch will occur. The Person in Authority must make clear that they are *requesting* to touch the athlete and not *requiring* the physical contact
- b) Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the athlete during a training session, is permitted
- c) Making amends, such as an apology or explanation, is encouraged to further help educate athletes on the difference between appropriate and inappropriate contact
- d) Hugs lasting longer than 5 seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. Wheelchair Basketball Canada is aware that some younger athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying after a poor performance) but this physical contact should always be limited.

## CONFIDENTIALITY POLICY

### Definitions

1. These terms will have these meanings in this Policy:

- i) *“Organizational Participant”* – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.
- ii) *“Representative”* – All individuals employed by, or engaged in activities on behalf of, Wheelchair Basketball Canada. Representatives include, but are not limited to, staff, administrators, Directors and Officers of Wheelchair Basketball Canada, committee members, and volunteers
- iii) *“Confidential Information”* – The term includes, but is not limited to the following:
  - Personal Information of Organizational Participants, including but not limited to: address, email address, personal phone numbers, date of birth, financial information, medical history, etc.
  - Wheelchair Basketball Canada intellectual property and proprietary information related to the programs, fundraisers, business or affairs of Wheelchair Basketball Canada and any of its committees and programs, including, but not limited to: procedures, business methods, forms, policies, business, marketing and development plans, advertising programs, creative materials, trade secrets, knowledge, techniques, data, products, technology, computer programs, manuals, software, financial information and information that is not generally or publicly known.

### Purpose

2. The purpose of this policy is to ensure the protection of Confidential Information that is proprietary to Wheelchair Basketball Canada by making all Organizational Participants aware that there is always an expectation to act appropriately and consistently with this policy.

### Scope and Application of this Policy

3. This policy applies to all Organizational Participants and Representatives.
4. Confidential Information does not include the following: name, title, business address, work telephone number, or any other information widely available or posted publicly.
5. Organizational Participants voluntarily publishing, or consenting to the publication of, basic personal information in a public forum (such as the listing of an email address on a website)

forfeit the expectation of confidentiality for that personal information for as long as it is available publicly.

### **Responsibilities**

6. Representatives will not, either during the period of their involvement/employment with Wheelchair Basketball Canada or at any time thereafter, disclose to any person or organization any Confidential Information acquired during their period of involvement/employment with Wheelchair Basketball Canada, unless expressly authorized to do so.
7. Representatives will not publish, communicate, divulge or disclose to any unauthorized person, firm, corporation, third party or parties any Confidential Information or any part thereof, without the express written consent of Wheelchair Basketball Canada.
8. All documents and written materials relating to Confidential Information will remain the property of Wheelchair Basketball Canada and upon termination of involvement/employment with Wheelchair Basketball Canada or upon request of Wheelchair Basketball Canada, Representatives will return all Confidential Information received in written or tangible form, including copies, or reproductions or other media containing such Confidential Information, immediately upon such request.

### **Intellectual Property**

9. Copyright and any other intellectual property rights in all written material (including material in electronic format) and other works produced in connection with employment or involvement with Wheelchair Basketball Canada will be owned solely by Wheelchair Basketball Canada, who will have the right to use, reproduce or distribute such material and works, or any part thereof, for any purpose it wishes. Wheelchair Basketball Canada may grant permission for others to use such written material or other works, subject to such terms and conditions as Wheelchair Basketball Canada may prescribe.

### **Responsibilities of Wheelchair Basketball Canada**

10. Wheelchair Basketball Canada will not divulge to outside parties any personal information about a Representative or Organizational Participant, except in accordance with approved policies of Wheelchair Basketball Canada, or required to do so by law.

### **Enforcement**

11. A breach of any provision in this Policy may be subject to legal recourse, termination of the employment or volunteer position, suspension or expulsion from membership, or sanctions pursuant to Wheelchair Basketball Canada's policies.

## DISCIPLINE AND COMPLAINTS POLICY

### DEFINITIONS

1. Terms in this Policy are defined as follows:

- a) **Athlete** – An individual who is an Athlete participant in WBC who is subject to the policies of WBC.
- b) **Complainant** – An individual who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in WBC's policies, by-laws, rules or regulations, or the UCCMS.
- c) **Director of Sanctions and Outcomes** – Responsible for overseeing the imposition of Provisional Measures, agreed outcomes, and sanctions and for appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable)
- d) **External Discipline Panel** – A Panel of one or three people who are appointed by the Independent Third Party (or designate) to decide on complaints that are assessed under Process #2 of this Policy.
- e) **Event** - An event sanctioned by WBC or a Member, and which may include a social Event.
- f) **Independent Third Party** – the individual retained by WBC to receive Reports and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy*. This individual must not be in a conflict of interest.
- g) **Internal Discipline Chair** – A qualified individual appointed by the WBC board to decide on complaints that are assessed under Process #1 of this Policy.
- h) **Maltreatment** – as defined in the *UCCMS*
- i) **Member** – Refers to the provincial/territorial organizations that are admitted as Active Members of WBC per WBC's By-laws.
- j) **Minor** – as defined in the *UCCMS*.
- k) **Parties** – the Complainant(s) and Respondent(s).
- l) **OSIC** - Office of the Sport Integrity Commissioner, an independent division of the Sport Dispute Resolution Centre of Canada (SDRCC) which comprises the functions of the Sport Integrity Commissioner
- m) **Organizational Participant** – Refers to all categories of individual members and/or

registrants defined in the By-laws of WBC who are subject to the policies of WBC, as well as all people employed by, contracted by, or engaged in activities with, WBC including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, classifiers, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.

- n) **Person in Authority** – Any Organizational Participant who holds a position of authority within WBC including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- o) **Power Imbalance** – as defined in the *UCCMS*
- p) **Provisional Suspension** – means that Organizational Participant is barred temporarily from participating in in any capacity in any Event or activity of WBC and its Members, or as otherwise decided pursuant to the *Discipline and Complaints Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.
- q) **Respondent** – The Party responding to the complaint.
- r) **UCCMS** - [Universal Code of Conduct to prevent and address Maltreatment in Sport](#), as amended from time to time by the Sport Dispute Resolution Centre of Canada (SDRCC)
- s) **UCCMS Participant** - An Organizational Participant affiliated with WBC who has been a) designated by WBC and b) who has signed the required consent form. UCCMS Participants may include an athlete, a coach, an official, an athlete support personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing WBC in any capacity.
- t) **Vulnerable Individual** - Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority).

## **PURPOSE**

2. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of WBC, as updated, and amended from time to time.
3. Non-compliance with any of WBC’s policies, by-laws, rules, or regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this Policy [or the by-laws of WBC or, as applicable, those of its Members].

## **APPLICATION**

4. This Policy applies to all Organizational Participants and to any alleged breaches of WBC's policies, by-laws, rules or regulations, or any of those of its Members, that designate this Policy as applicable to address such alleged breaches.
5. In addition to being subject to disciplinary action pursuant to this Policy, an employee of WBC who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or policies for human resources, if applicable.

## **REPORTING**

### **UCCMS Participants**

6. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred or continued as of January 31, 2023 involving a UCCMS Participant must be reported to the OSIC (<https://sportintegritycommissioner.ca/report>) and will be addressed pursuant to the OSIC's policies and procedures.
7. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before January 31, 2023 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by WBC as a UCCMS Participant.
8. If WBC's Independent Third Party receives a Complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the individual(s) that made the Complaint of such action.

### **Organizational Participants**

9. Any complaints involving alleged breaches of WBC's policies that do not fall within Sections 4 or 5 above may be reported to the Independent Third Party in writing.

Link: <https://app.integritycounts.ca/org/itpsport>

Phone Number (Canada): [1-866-921-6714](tel:1-866-921-6714)

Complete list of worldwide phone numbers can be found [here](#).

(<https://app.integritycounts.ca/call-the-hotline>)

10. Notwithstanding any provision in this Policy, WBC may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, WBC will identify an individual to represent WBC.

11. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential, the Independent Third Party may ask that WBC take carriage of the complaint and act as the Complainant.<sup>1</sup>
12. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by WBC if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member does not have policies in place to address the complaint. In such circumstances, WBC shall have the right to request that a cost-sharing agreement be entered into with the Member as a pre-condition to WBC managing the complaint.
13. Where the Independent Third Party refers a matter to be managed by a Member or affiliated organization, or where a Member or affiliated organization is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member and/or affiliated organization fails to conduct disciplinary proceedings within a reasonable timeline, WBC may, at its discretion, take jurisdiction of the matter and conduct the proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that WBC acted reasonably in taking jurisdiction over the matter, WBC's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member and/or affiliated organization to WBC.

### **MINORS**

14. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
15. Communication from the Independent Third Party, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
16. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.

### **INDEPENDENT THIRD-PARTY RESPONSIBILITIES**

17. Upon receipt of a complaint, the Independent Third Party has a responsibility to:
  - a) Determine whether the complaint falls within the jurisdiction of this Policy;
  - b) Determine the appropriate jurisdiction to manage the complaint by considering the following:

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<sup>1</sup> In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

- i. whether the incident occurred within the business, activities, or Events of WBC, or one of its Members or affiliated organizations; and
  - ii. if the Member or affiliated organization is able to manage the complaint process<sup>2</sup>.
- c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith<sup>3</sup>;
- d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

### **AVAILABLE PROCESSES**

There are two different processes that may be used to hear and adjudicate complaints. The Independent Third Party decides which process should be followed at their discretion, and such decision is not appealable.

**Process #1** - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Individual, in which case the matter will be addressed under Process #2

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<sup>2</sup> In making this assessment, the Independent Third Party may determine that the Member or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member or affiliated organization is not the appropriate jurisdiction to manage the complaint due to its seriousness (for example, clubs should not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member or affiliated organization.

If the Independent Third Party determines that the Complaint or Report should be handled by a Member, PTSO or affiliated organization, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, PTSO or affiliated organization, any reference to Independent Third Party shall be understood as a reference to the Independent Third Party of the PTSO or affiliated organization.

<sup>3</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.

- c) Conduct contrary to the values of WBC or those of one of its Members or affiliated organizations
- d) Non-compliance with the policies, procedures, rules, or regulations of WBC or those of one of its Members or affiliated organizations
- e) Minor violations of the policies or bylaws of WBC or those of one of its Members or affiliated organizations.

\*\*\* The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

**Process #2** - the complaint contains allegations involving the following behaviours:

- a) Repeated incidents described in Process #1
- b) Hazing
- c) Abusive, racist, or sexist comments, conduct or behaviour
- d) Incidents that constitute Prohibited Behaviour under the [Code of Conduct and Ethics](#) or the [UCCMS](#)
- e) Major incidents of violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- h) Conduct that intentionally damages the image, credibility, or reputation of WBC or that of one of its Members or affiliated organizations
- i) Consistent disregard for the by-laws, policies, rules, and regulations of WBC or those of one of its Members or affiliated organizations
- j) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Discipline and Complaints Policy* as applicable to address such alleged breaches
- k) Intentionally damaging the property of WBC, one of its Members or affiliated organizations, or improperly handling any of the aforementioned organizations' monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics

m) A conviction for any *Criminal Code* offense

\*\*\* The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2

### **PROVISIONAL SUSPENSIONS**

18. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Organizational Participant by WBC and/or the Independent Third Party after which further discipline or sanctions may be applied according to this Policy.
19. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. When applied at a competition, a Provisional Suspension or sanction may be for the duration of the competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party.
20. Notwithstanding the above, WBC and/or Independent Third Party may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
21. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, WBC shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
22. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

### **PROCEDURAL STEPS**

#### **PROCESS #1: Handled by Internal Discipline Chair**

##### **Internal Discipline Chair**

23. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair<sup>4</sup> who may:
- a) Propose alternative dispute resolution techniques, if appropriate; and/or
  - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each party shall have the right to receive the other party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each party shall have the right to be present when such submissions are made; and/or
  - c) Following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another, if the Internal Discipline Chair deems it appropriate.
24. Following their review of the submissions and evidence related to the Complaint, the Internal Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents listed in Process #1 above have occurred or there is insufficient evidence to prove that the incidents occurred, they shall dismiss the Complaint.
25. The Independent Third Party will inform the Parties of the decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short, written decision, either orally or in writing, followed by a written reasoned decision.
26. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of any applicable club, provincial/territorial organization and WBC. Decisions will be kept confidential by the parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation and/or applicable policy.

## **PROCESS #2: Handled by Independent Third Party and External Discipline Panel**

### **Independent Third Party**

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<sup>4</sup> The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.

27. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if deemed appropriate. Alternatively, the Independent Third Party may appoint a designate to handle the responsibilities described in this section. References to 'Independent Third Party' in Process #2 then apply to the Independent Third Party's designate, if appointed, instead. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
  - a) Coordinate all administrative aspects of the process and set reasonable timelines
  - b) Provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of WBC, any Member or any other sport organization that had authority over the Respondent
  - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
28. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
29. If warranted based on the severity of the allegations and at the Independent Third Party's sole discretion, an External Discipline Panel of three (3) people may be appointed. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
30. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
31. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
  - a) The determination of procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible to ensure that costs to the Parties and WBC and/or the Member are reasonable
  - b) The Parties will be given appropriate notice of the day, time, and place of the hearing

- c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing
- d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense
- e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
- f) If not a Party, WBC and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, WBC and/or the relevant Member may make submissions at the hearing or may provide the External Discipline Panel with clarifying information that may be required for the Panel to render its decision<sup>5</sup>
- g) The External Discipline Panel shall allow any evidence at the hearing filed by the parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties
- h) Nothing is admissible in evidence at a hearing that:
  - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
  - ii. is inadmissible by any statute.
- i) The decision will be by a majority vote of the External Discipline Panel, when the Panel consists of three people

32. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

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<sup>5</sup> The purpose of this provision is not to provide WBC or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide WBC or a Member with the possibility to provide the Panel with clarifying information when the parties have sought a particular sanction against an Organizational Participant, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the Panel imposing a sanction that is unenforceable.

33. The process will proceed in any event, even if a Party chooses not to participate in the hearing.
34. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

### **DECISION**

35. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
36. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all parties by the Independent Third Party (or designate), including to WBC.
37. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.

The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to WBC and all of its Members and associated organizations (if and when applicable).

38. Unless the matter involves a Vulnerable Individual, once the appeal deadline in the *Appeal Policy* has expired, WBC or the Member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of Organizational Participant(s) involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the [Appeal Policy](#) shall apply. Identifying information regarding Minors or Vulnerable Individuals will never be published.
39. If the External Discipline Panel dismisses the Reported complaint, the information referred to in the above section may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in the section above will be kept confidential by the Parties, the Independent Third Party, WBC and the Member (including the Respondent's club, if and when applicable) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation and WBC's policies. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Discipline and Complaints Policy*.
40. Other individuals or organizations, including but not limited to, Members, provincial/territorial organizations in other sports, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
41. Records of all decisions will be maintained by WBC in accordance with the [Privacy Policy](#).

42. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:

- a) Jurisdiction;
- b) Summary of the facts and relevant evidence;
- c) The specific provision(s) of WBC's policies, bylaws, rules or regulations that have been breached;
- d) Which Party is responsible for the costs of implementing any sanction;
- e) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
- f) Any reinstatement conditions that the sanctioned individual must satisfy (if any);
- g) Which organization is responsible for ensuring that conditions (if any) have been satisfied; and,
- h) Any other guidance that will assist the Parties to implement the External Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Panel regarding the decision so that it can be implemented or monitored appropriately.

### **SANCTIONS**

43. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, 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 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 or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of WBC;

- 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 of Conduct and Ethics](#); 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.
44. 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.
45. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that an Organizational Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should Organizational Participant be involved in other violations
  - b) **Education** - The requirement that an Organizational Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics* or the UCCMS
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* or the UCCMS occur during the probationary period, will result in additional disciplinary measures, likely including 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 WBC. A suspended Organizational Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon Organizational Participant 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 WBC
- 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

46. The Internal Discipline Chair or External Discipline Panel, as applicable, 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 or expulsion from membership or registration
- 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.

47. An Organizational Participant's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with WBC. Such *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence

48. Unless the External Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal.

49. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

### **OSIC SANCTION**

50. As a Program Signatory to the OSIC, WBC will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected

within WBC's jurisdiction (including at the provincial, territorial and club level) once WBC receives appropriate notice of any sanction or measure from the OSIC.

## **APPEALS**

51. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the [Appeal Policy](#).

## **CONFIDENTIALITY**

52. The disciplinary process is confidential and involves only WBC, the Parties, the Independent Third Party (and any designates), the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External Discipline Panel.
53. Notwithstanding the above, WBC recognizes that it is required to notify Sport Canada of all reported complaints and reports of potential complaints.
54. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless WBC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
55. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

## **TIMELINES**

56. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Independent Third Party may direct that these timelines be revised.

## **STATISTICAL REPORTING**

57. WBC shall, at least annually, publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not include any information that is confidential under this Policy, or that has been ordered to be kept confidential by a Panel, but may include the number of complaints Reported to the Independent Third Party, and statistics regarding the number of cases that were resolved through alternative dispute resolution, the Internal Discipline Chair process, and the External Discipline Chair process. Further, statistics shall be kept of the number of appeals filed pursuant to the [Appeal Policy](#) and whether the appeals were upheld, partially upheld or dismissed.

## **PRIVACY**

58. The collection, use and disclosure of any personal information pursuant to this Policy is subject to WBC's [Privacy Policy](#).
59. WBC, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party (and any designate), Internal Discipline Chair, External Discipline Panel), shall comply with WBC's *Privacy Policy* (or, in the case of a Member, the Member's *Privacy Policy*) in the performance of their services under this Policy.

## **Appendix A – Investigation Procedure**

### **Determination**

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy* and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident should be investigated.

### **Investigation**

2. The Independent Third Party will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

### **Investigator's Report**

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the [Code of Conduct and Ethics](#) or the [UCCMS](#) occurred. The Investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).
6. The Investigator's Report will be provided to the Independent Third Party who will disclose, at their discretion, all or part of it to WBC and the relevant Members (if applicable) and to

External Discipline Panel. The Independent Third Party may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the parties, at their discretion, with any necessary redactions.

7. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, the Investigator shall advise the Complainant and WBC or the Member to refer the matter to police.
8. The Investigator must also inform WBC or the Member (as applicable) of any findings of criminal activity. WBC or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against WBC or any Member(s) (as applicable), or other offences where the lack of reporting would bring WBC or the Member (as applicable) into disrepute.

### **Reprisal and Retaliation**

9. An Organizational Participant who submits a complaint to WBC or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

### **False Allegations**

10. An Organizational Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. WBC or any Member(s) (as applicable), or Organizational Participant against whom the allegations were submitted, may act as the Complainant.

### **Confidentiality**

11. The Investigator will make reasonable efforts to preserve the anonymity of the Complainant, Respondent, and any other party. However, WBC and its Members recognize that maintaining full anonymity during an investigation may not be feasible.

### **Privacy**

12. The collection, use and disclosure of any personal information pursuant to this Procedure is subject to WBC's [Privacy Policy](#).
13. The Investigator will comply with WBC's *Privacy Policy* (or, in the case of a Member or club, the applicable *Privacy Policy*) in the performance of their services under this Procedure.

## **DISPUTE RESOLUTION POLICY**

### **Definitions**

1. The following term has this meaning in this Policy:
  - a. *“Organizational Participant”* – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.

### **Purpose**

2. Wheelchair Basketball Canada supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternative Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. Wheelchair Basketball Canada encourages all Organizational Participants to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Wheelchair Basketball Canada believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Organizational Participants are strongly encouraged.

### **Application of this Policy**

4. This Policy applies to all Organizational Participants.
5. Opportunities for Alternative Dispute Resolution may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.
6. Each party will be responsible for its own costs related to mediation, unless otherwise mutually agreed by the parties.

### **Facilitation and Mediation**

7. If all parties to a dispute agree to Alternative Dispute Resolution or mediation, the matter may be referred to a resolution facilitator of the Sport Dispute Resolution Centre of Canada (SDRCC).

8. If all parties to a dispute agree to Alternative Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
9. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.
10. Should a negotiated decision be reached, the decision shall be reported to, and approved by, Wheelchair Basketball Canada. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending Wheelchair Basketball Canada's approval.
11. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternative Dispute Resolution, the dispute shall be considered under the appropriate section of Wheelchair Basketball Canada's [Discipline and Complaints Policy](#) or [Appeal Policy](#), as applicable.

#### **Final and Binding**

12. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
13. No action, application for judicial review or other legal proceeding will be commenced against Wheelchair Basketball Canada respecting a dispute, unless the remedies afforded by this policy have not been offered or have been exhausted. In no case may a party pursue legal action against Wheelchair Basketball Canada in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.

## EVENT DISCIPLINE PROCEDURE

**\*\* This Event Discipline Procedure does not supersede or replace Wheelchair Basketball Canada's Discipline and Complaints Policy \*\***

### Definitions

1. The following terms have these meanings in this Policy:
  - a) "Event" – An event sanctioned by Wheelchair Basketball Canada
  - b) "Organizational Participant" – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.

### Purpose

2. Wheelchair Basketball Canada is committed to providing a competition environment in which all Participants are treated with respect. This Procedure outlines how alleged misconduct during an Event will be handled.

### Scope and Application of this Policy

3. This Procedure will be applied to all Wheelchair Basketball Canada-sanctioned Events unless the Event host states any modifications to this Procedure (and the reasons for those modifications) in the Event's registration or invitation package. Changes to this Procedure must also be outlined in the event host's sanctioning request, when applicable.
4. If the Event is being sanctioned by a national or regional Games federation, or an international federation, the Event Discipline Procedure of the sanctioning organization will replace this procedure. Incidents involving Organizational Participants connected with Wheelchair Basketball Canada (such as athletes, coaches, members, and Directors and Officers) must still be reported to Wheelchair Basketball Canada to be addressed under Wheelchair Basketball Canada's [Discipline and Complaints Policy](#), if necessary.
5. This Procedure does not replace or supersede Wheelchair Basketball Canada's *Discipline and Complaints Policy*. Instead, this Procedure works in concert with the *Discipline and Complaints Policy* by outlining, for a designated person with authority at an event sanctioned by Wheelchair Basketball Canada, the procedure for taking immediate, informal, or corrective action in the event of a possible violation of Wheelchair Basketball Canada's [Code of Conduct and Ethics](#).
6. Any violation of this Policy that may be considered "Prohibited Behaviour" or "Maltreatment" (as defined in the [UCCMS](#)) when the Respondent is an Organizational Participant who has been designated by WBC as a UCCMS Participant (as defined in the *Discipline and Complaints*

*Policy*), will be handled pursuant to the policies and procedures of the Office of the Sport Integrity Commissioner (“OSIC”), subject to the rights of WBC as set out in the *Discipline and Complaints Policy* and any applicable workplace policies

### **Misconduct During Events**

7. Incidents that violate or potentially violate Wheelchair Basketball Canada’s *Code of Conduct and Ethics*, which can occur during a competition, away from the area of competition, or between parties connected to the Event, shall be reported to a designated person (usually the head official or on-site convenor) responsible at the Event.
  
8. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated Wheelchair Basketball Canada’s *Code of Conduct and Ethics*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated Wheelchair Basketball Canada’s *Code of Conduct and Ethics*
  - b) Convene a jury of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether Wheelchair Basketball Canada’s *Code of Conduct and Ethics* has been violated. The designated person at the Event may serve on the jury
  - c) The jury will interview and secure statements from any witnesses to the alleged violation
  - d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate
  - e) The jury will secure a statement from the person(s) accused of the violation
  - f) The jury will render a decision and determine a possible penalty
  - g) The Chairperson of the jury will inform all parties of the jury’s decision
  
9. The penalty determined by the jury may include any of the following, singularly or in combination:
  - a) Oral or written warning
  - b) Oral or written reprimand
  - c) Suspension from future competitions at the Event

- d) Ejection from the Event
  - e) Other appropriate penalty as determined by the jury
10. The jury does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the jury's decision shall be submitted to Wheelchair Basketball Canada following the conclusion of the Event. Further discipline may then be applied per Wheelchair Basketball Canada's *Discipline and Complaints Policy* if necessary.
  11. Decisions made in the scope of this Procedure may not be appealed.
  12. This Procedure does not prohibit other Organizational Participants from reporting the same incident to Wheelchair Basketball Canada to be addressed as a formal complaint under Wheelchair Basketball Canada's [\*Discipline and Complaints Policy\*](#).
  13. Wheelchair Basketball Canada shall record and track all reported incidents.

## PRIVACY POLICY

### Preamble

1. Privacy of personal information is governed by the *Personal Information Protection and Electronics Documents Act* ("PIPEDA"). This Policy describes the way that Wheelchair Basketball Canada collects, uses, safeguards, discloses and disposes of personal information, and states Wheelchair Basketball Canada's commitment to collecting, using and disclosing personal information responsibly. This Policy is based on the standards required by PIPEDA and Wheelchair Basketball Canada's interpretation of these responsibilities.

### Definitions

2. The following terms have these meanings in this Policy:
  - a) "Act" – [Personal Information Protection and Electronic Documents Act](#).
  - b) *Commercial Activity* – any particular transaction, act or conduct that is of a commercial character.
  - c) "IP Address" – A numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices
  - d) "Personal Information" – any information about an identifiable individual including information that relates to their personal characteristics including, but not limited to, gender, age, income, home address or phone number, ethnic background, family status, health history and health conditions, NCCP number, education, resumes, fitness results, credit card or chequing information, date of birth, athlete history, birth certificate, performance results, certifications, awards, height, weight, uniform size, shoe size, feedback from coaches and trainers, video footage, photographs, banking information, social insurance number, criminal records check, reference checks, beneficiaries, passport numbers, frequent flyer numbers, and discipline results. Personal information, however, does not include business information (e.g. an individuals' business address and telephone), which is not protected by PIPEDA, or other information that is posted publicly or that an Organizational Participant has voluntarily disclosed publicly.
  - e) "Organizational Participant" – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.

### Scope and Application

3. The purpose of this policy is to govern the collection, use and disclosure of personal information in the course of commercial activities in a manner that recognizes the right to

privacy of individuals with respect to their personal information and the need of Wheelchair Basketball Canada to collect, use or disclose personal information.

4. This Policy applies to all Organizational Participants in connection with personal information that is collected, used or disclosed during any Commercial Activity related to Wheelchair Basketball Canada.
5. This Policy applies to all Organizational Participants in connection with personal medical information that is collected and used for the purpose of classification of athletes.

### **Statutory Obligations**

6. Wheelchair Basketball Canada is governed by the *Personal Information Protection and Electronic Documents Act (PIPEDA)* in matters involving the collection, use and disclosure of personal information during a Commercial Activity.

### **Additional Obligations**

7. In addition to fulfilling all requirements of the *Act*, Wheelchair Basketball Canada will also fulfill the additional requirements of this Policy. Wheelchair Basketball Canada will not:
  - a) Disclose personal information to a third party during any business or transaction unless such business, transaction or other interest is properly consented to in accordance with this Policy.
  - b) Knowingly place themselves in a position where they are under obligation to any organization to disclose personal information.
  - c) In the performance of their official duties, disclose personal information to family members, friends or colleagues, or to organizations in which their family members, friends or colleagues have an interest.
  - d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with Wheelchair Basketball Canada.
  - e) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of personal information.

### **Ruling on Policy**

8. Except as provided in the *Act*, the Board of Directors of Wheelchair Basketball Canada will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

### **Accountability**

9. Privacy Officer – The Privacy Officer is responsible for the implementation of this policy and monitoring information collection and data security and ensuring that all staff receives appropriate training on privacy issues and their responsibilities. The Privacy Officer also handles personal information access requests and complaints. The Privacy Officer may be contacted at the following address:

Executive Director

Wheelchair Basketball Canada

27 Auriga Drive, Suite 1062

Ottawa, ON

K2E0B1

T 613-260-1296

Email: [info@wheelchairbasketball.ca](mailto:info@wheelchairbasketball.ca)

10. Duties – The Privacy Officer will:

- a) Implement procedures to protect personal information.
- b) Establish procedures to receive and respond to complaints and inquiries.
- c) Record all persons having access to personal information.
- d) Ensure any third-party providers abide by this policy.
- e) Train and communicate to staff information about Wheelchair Basketball Canada's privacy policies and practices.

### **Identifying Purposes**

11. Purpose – Personal information may be collected from Organizational Participants and disclosed for purposes that include, but are not limited to, the following:

#### *Communications*

- a) Receiving communications from Wheelchair Basketball Canada in regards to E-news, newsletters, programs, competitions, training, discipline, appeals, events, activities and other pertinent information.
- b) Published articles, media relations and postings on the Wheelchair Basketball Canada website, displays or posters. In some cases, videos from an event will be available for purchase.
- c) Award nominations, biographies, published articles and media relations.
- d) Communication within and between committees, volunteers and board members.

- e) Discipline results and long-term suspension list.
- f) Communications with applicable municipalities who wish to check residency status of individuals.

*Registration, Database Entry and Monitoring*

- g) Registration and communication of programs, events and activities.
- h) Database entry at Coaching Association of Canada and to determine level of coaching certification, coaching qualifications, and coach selection.
- i) Database entry to determine level of officiating certification and qualifications.
- j) Determination of eligibility, age group and appropriate level of play/competition.
- k) Player Registration, outfitting uniforms, and various components of athlete and team selection.
- l) Technical monitoring, officials training, educational purposes, sport promotion, media publications.

*Sales, Promotions and Merchandising*

- m) Purchasing equipment, coaching manuals, resources and other products.
- n) Promotion and sale of merchandise.

*General*

- o) Travel arrangement and administration.
- p) Implementation of Wheelchair Basketball Canada screening program.
- q) Medical emergency, emergency contacts or reports relating to medical or emergency issues.
- r) Determination of membership demographics and program wants and needs.
- s) Managing insurance claims and insurance investigations.
- t) Video recording and photography for personal use, and not commercial gain, by spectators, parents and friends.
- u) Video recording and photography for promotional use, marketing and advertising by Wheelchair Basketball Canada.

v) Payroll, honorariums, organization insurance and health plans.

*Classification*

w) Confirming or verifying an athlete classification through medical data and documents, doctors notes, imaging, personal medical record for provincial activities, Wheelchair Basketball Canada sanctioned events or international competitions.

x) Creating athlete classification cards for Wheelchair Basketball Canada sanctioned events.

y) Managing athlete profiles in the Wheelchair Basketball Canada Classification Database.

12. Purposes Not Identified – Wheelchair Basketball Canada will seek consent from individuals when personal information is used for commercial purpose not identified herein. This consent will be documented as to when and how it was received.

**Consent**

13. Consent – Wheelchair Basketball Canada will obtain consent by lawful means from individuals at the time of collection and prior to the use or disclosure of this information. Wheelchair Basketball Canada may collect personal information without consent where reasonable to do so and where permitted by law.

14. Implied Consent – By providing personal information to Wheelchair Basketball Canada, individuals are consenting to the use of the information for the purposes identified in this policy.

15. Requirement – Wheelchair Basketball Canada will not, as a condition of a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond that required to fulfill the specified purpose of registration or the product or service.

16. Form – Consent may be written or implied. In determining the form of consent to use, Wheelchair Basketball Canada will take into account the sensitivity of the information, as well as the individual's reasonable expectations. Organizational Participants may consent to the collection and specified used of personal information in the following ways:

- i. Completing and/or signing a registration form or an application form.
- ii. Checking a check off box.
- iii. Providing written consent either physically or electronically.
- iv. Consenting orally in person.

v. Consenting orally over the phone.

17. Withdrawal – A Organizational Participant may withdraw consent in writing, to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions provided the Organizational Participant gives one week’s notice of such withdrawal to Wheelchair Basketball Canada. Wheelchair Basketball Canada will inform the Organizational Participant of the implications of such withdrawal.
18. Legal Guardians – Consent will not be obtained from Organizational Participants who are minors, seriously ill, or mentally incapacitated and therefore will be obtained from a parent, legal guardian or person having power of attorney.
19. Exceptions for Collection – Wheelchair Basketball Canada is not required to obtain consent for the collection of personal information if:
  - a) It is clearly in the individual's interests and consent is not available in a timely way.
  - b) Knowledge and consent would compromise the availability or accuracy of the information and collection is required to investigate a breach of an agreement or contravention of a federal or provincial law.
  - c) The information is for journalistic, artistic or literary purposes.
  - d) The information is publicly available as specified in the *Act*.
20. Exceptions for Use – Wheelchair Basketball Canada may use personal information without the Organizational Participant's knowledge or consent only:
  - a) If the organization has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation.
  - b) For an emergency that threatens an Organizational Participant's life, health or security.
  - c) For statistical or scholarly study or research.
  - d) If it is publicly available as specified in the *Act*.
  - e) If the use is clearly in the Organizational Participant's interest and consent is not available in a timely way.
  - f) If knowledge and consent would compromise the availability or accuracy of the information and collection was required to investigate a breach of an agreement or contravention of a federal or provincial law.

21. Exceptions for Disclosure – Wheelchair Basketball Canada may disclose personal information without the Organizational Participant's knowledge or consent only:
- a) To a lawyer representing Wheelchair Basketball Canada.
  - b) To collect a debt the Organizational Participant owes to Wheelchair Basketball Canada.
  - c) To comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction.
  - d) To a government institution that has requested the information, identified its lawful authority, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial or foreign law; or that suspects that the information relates to national security or the conduct of international affairs; or is for the purpose of administering any federal or provincial law.
  - e) To an investigative body named in the *Act* or government institution when Wheelchair Basketball Canada believes the information concerns a breach of an agreement, or a contravention of a federal, provincial, or foreign law, or suspects the information relates to national security or the conduct of international affairs.
  - f) To an investigative body for the purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law.
  - g) In an emergency threatening an individual's life, health, or security (Wheelchair Basketball Canada will inform the individual of the disclosure).
  - h) For statistical, scholarly study or research.
  - i) To an archival institution.
  - j) 20 years after the individual's death or 100 years after the record was created.
  - k) If it is publicly available as specified in the regulations. or
  - l) If otherwise required by law.

### **Limiting Collection, Use, Disclosure and Retention**

22. Limiting Collection, Use and Disclosure – Wheelchair Basketball Canada will not collect, use or disclose personal information indiscriminately and it will be collected fairly, by lawful means. Information collected will be for the purposes specified in Article 3.1, except with the consent of the individual or as required by law.
23. Retention Periods – Personal information will be retained indefinitely unless requested otherwise by the individual.

24. Exception – Personal information that is used to make a decision about an individual will be maintained for a minimum of one year of time to allow the individual access to the information after the decision has been made.

### **Accuracy**

25. Accuracy – Personal information will be accurate, complete and as up to date as is necessary for the purposes for which it is to be used to minimize the possibility that inappropriate information may be used to make a decision about the Organizational Participant.

### **Safeguards**

26. Safeguards – Personal information will be protected by security safeguards appropriate to the sensitivity of the information against loss or theft, unauthorized access, disclosure, copying, use or modification.

27. Employees – Employees will be made aware of the importance of maintaining personal information confidential and will be required to sign confidentiality agreements.

28. Confidentiality – Every Organizational Participant at all levels, who has access to personal information collected by Wheelchair Basketball Canada, will comply with Wheelchair Basketball Canada's Confidentiality Policy.

### **Openness**

29. Information – Information made available to individuals will include:

- a) The name or title, and the address, of the person who is accountable for Wheelchair Basketball Canada's privacy policy and practices and to whom complaints or inquiries can be forwarded.
- b) The means of gaining access to personal information held by Wheelchair Basketball Canada. and
- c) A description of the type of personal information held by Wheelchair Basketball Canada.

### **Organizational Participant Access**

30. Access - Upon written request, and with assistance from Wheelchair Basketball Canada, an individual may be informed of the existence, use and disclosure of their personal information and will be given access to that information. As well, an individual is entitled to be informed of the source of the personal information along with an account of third parties to whom the information has been disclosed.

31. Response - Requested information will be disclosed to the individual within thirty (30) days of receipt of the written request at no cost to the individual, or at nominal costs relating to photocopying expenses, unless there are reasonable grounds to extend the time limit.
32. Denial - An individual may be denied access to their personal information if:
- a) This information is prohibitively costly to provide.
  - b) The information contains references to other individuals.
  - c) The information cannot be disclosed for legal, security or commercial proprietary purposes.
  - d) The information is subject to solicitor-client or litigation privilege.
33. Reasons - Upon refusal, Wheelchair Basketball Canada will inform the individual the reasons for the refusal and the associated provisions of *PIPEDA*.
34. Identity – Sufficient information shall be required to confirm an individual’s identity prior to providing that individual an account of the existence, use, and disclosure of personal information.

### **Challenging Compliance**

35. Challenges – An individual will be able to challenge compliance with this Policy and the *Act* to the designated individual accountable for compliance.
36. Procedures – Upon receipt of a complaint Wheelchair Basketball Canada will:
- a) Record the date the complaint is received.
  - b) Notify the Privacy Officer who will serve in a neutral, unbiased capacity to resolve the complaint.
  - c) Acknowledge receipt of the complaint by way of e-mail or telephone conversation and if necessary, clarify the nature of the complaint.
  - d) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If it is determined the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Privacy Officer’s decision to the acceptance or dismissal of the complaint may not be appealed.
  - e) If it is determined that the complaint is not frivolous and vexatious and within the jurisdiction of this policy, the Privacy Officer will investigate the complaint and take corrective action to resolve the matter.

f) Notify the complainant the outcome of the investigation and any relevant steps taken to rectify the complaint.

37. Whistle-blowing – Wheelchair Basketball Canada will not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any Organizational Participant within Wheelchair Basketball Canada or deny that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:

a) Disclosed to the Privacy Commissioner of Canada that Wheelchair Basketball Canada has contravened or is about to contravene the *Act*.

b) Has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the *Act*.

c) Has refused to do or stated an intention of refusing to do anything that is in contravention of the *Act*.

#### **IP Address**

38. IP Address – The Organization does not collect, use or disclose personal information such as an IP Addresses

## SCREENING POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
  - b) *“Local Police Information (LPI)”* – additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought
  - c) *“Enhanced Police Information Check (E-PIC)”* – a Criminal Record Check plus a search of local police information, available from SterlingBackcheck
  - d) *“Minor”* – as defined in the [UCCMS](#).
  - e) *“Vulnerable Sector Check (VSC)”* – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database
  - f) *“Vulnerable Participants”* – A person under the age of 18 years old and/or a person who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority

### Preamble

1. Wheelchair Basketball Canada understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the community.

### Application of this Policy

2. This Policy applies to all individuals whose position with Wheelchair Basketball Canada is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Participants.
3. Not all individuals associated with Wheelchair Basketball Canada will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to Wheelchair Basketball Canada or to its Organizational Participants. Wheelchair Basketball Canada will determine which individuals will be subject to screening using the following guidelines (Wheelchair Basketball Canada may vary the guidelines at its discretion):

Level 1 – Low Risk - Organizational Participants involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Participants. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular or informal basis

Level 2 – Medium Risk – Organizational Participants involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Participants.

Examples:

- a) Athlete support personnel
- b) Non-coach employees or managers
- c) Directors
- d) Officials
- e) Coaches who are typically under the supervision of another coach

Level 3 – High Risk – Organizational Participants involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with finances, and who have frequent or unsupervised access to Vulnerable Participants. Examples:

- a) Full time coaches
- b) Coaches who travel with athletes
- c) Coaches who could be alone with athletes
- d) Athlete Support Personnel
- e) Classifiers

### **Screening Committee**

4. The implementation of this policy is the responsibility of Wheelchair Basketball Canada's Screening Committee which is a committee of three (3) members appointed by Wheelchair Basketball Canada. Wheelchair Basketball Canada will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately assess screening documents and render decisions under this Policy.
5. The Screening Committee is responsible for reviewing all documents submitted and, based on the review, making decisions regarding the appropriateness of individuals filling positions within Wheelchair Basketball Canada. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

6. Nothing in this Policy restricts or limits the Screening Committee from requesting that the individual attend an interview with the Screening Committee if the Screening Committee considers that an interview is appropriate and necessary to screen the individual's application.
7. Nothing in this Policy restricts or limits the Screening Committee from requesting the individual's authorization to contact any professional, sporting or other organization in order to assess the individual's suitability for the position that they are seeking.
8. Nothing in this Policy restricts or limits the Screening Committee from requesting further information from the individual on more than one occasion, subject to the individual's right to insist that the Screening Committee make a decision on the basis of the information before it.
9. The Screening Committee may, where appropriate, draw an adverse inference from an individual's failure to provide information or answer queries.
10. When assessing an individual's screening application, the Screening Committee shall determine whether there is reason to believe that the individual may pose a risk to Wheelchair Basketball Canada, or to another individual.
11. An individual having been previously penalized for a prior offence shall not prevent the Screening Committee from considering that offence as part of the individual's screening application.
12. If the Screening Committee determines on the basis of the individual's screening application, in addition to any further material received by it, that the individual does not pose a risk to the members of Wheelchair Basketball Canada, the Screening Committee shall approve the individual's application, subject to the Screening Committee's right to impose conditions.
13. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall be provided to the applicant and to the Board of Directors of Wheelchair Basketball Canada which may disseminate the decision as they see fit in order to best fulfil the mandate of Wheelchair Basketball Canada.
14. An Organizational Participant whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of Wheelchair Basketball Canada for two (2) years from the date the rejected application was made

### **Screening Requirements**

15. Criminal Record Check (CRC), Vulnerable Sector Check (VSC)
16. It is Wheelchair Basketball Canada's policy that when an individual is first engaged by Wheelchair Basketball Canada:

- a) Level 1 individuals will:
  - i. Complete a Screening Disclosure Form (**Appendix C**)
  - ii. Complete an Application Form indicating that the individual has read and understands Wheelchair Basketball Canada's policies and procedures
- b) Participate in training, orientation, and monitoring as determined by Wheelchair Basketball Canada Level 2 individuals will:
  - i. Complete and provide a CRC
  - ii. Complete a Screening Disclosure Form
  - iii. Complete an Application Form indicating that the individual has read and understands Wheelchair Basketball Canada's policies and procedures
  - iv. Provide one letter of reference related to the position sought
  - v. Participate in training, orientation, and monitoring as determined by Wheelchair Basketball Canada
  - vi. Provide a driver's abstract, if requested
- c) Level 3 individuals will:
  - i. Complete and provide a CRC and a VSC
  - ii. Complete a Screening Disclosure Form
  - iii. Complete an Application Form indicating that the individual has read and understands Wheelchair Basketball Canada's policies and procedures
  - iv. Provide one letter of reference related to the position sought
  - v. Participate in training, orientation, and monitoring as determined by Wheelchair Basketball Canada
  - vi. Provide a driver's abstract, if requested
- d) If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to Wheelchair Basketball Canada. Additionally, the individual will inform Wheelchair Basketball Canada of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.

- e) If Wheelchair Basketball Canada learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with Wheelchair Basketball Canada's [Discipline and Complaints Policy](#).

### **Minor**

17. Wheelchair Basketball Canada defines a minor based on the definition found in the UCCMS. When screening minors, Wheelchair Basketball Canada will:

- a) Not require the minor to obtain a VSC or E-PIC; and
- b) In lieu of obtaining a VSC or E-PIC, require the minor to submit up to two (2) letters of reference.

18. Notwithstanding the above, Wheelchair Basketball Canada may ask a minor to obtain a VSC or E-PIC if Wheelchair Basketball Canada suspects the minor has an adult conviction and therefore has a *criminal record*. In these circumstances, Wheelchair Basketball Canada will be clear in its request that it is not asking for the minor's *youth record*. Wheelchair Basketball Canada understands that it may not request to see a minor's youth record.

### **Renewal**

19. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:

- a) An E-PIC every three years
- b) A Screening Disclosure Form every three years
- c) A Screening Renewal Form (**Appendix D**) every year
- d) A Vulnerable Sector Check once every three years

20. At any time, including after either the submission of an individual's application or its approval (with or without conditions), the Screening Committee may re-open an individual's file for additional screening if it is advised of new information that, in the discretion of Wheelchair Basketball Canada, could affect the assessment of the individual's suitability for participation in the programs or activities of Wheelchair Basketball Canada, or the individual's interactions with other individuals involved with Wheelchair Basketball Canada .

### **Orientation, Training, and Monitoring**

21. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at Wheelchair Basketball Canada's discretion.
22. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
23. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback. Courses may include:
  - a) [Respect in Sport for Activity Leaders](#)
  - b) [CAC Safe Sport Training](#)
  - c) [Commit to Kids](#)
24. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form (**Appendix F**), that they have received and completed the orientation and training.
25. Monitoring may include but is not limited to: written or oral reports, observations, tracking, electronic surveillance (e.g., facility security cameras), and site visits.

#### **How to Obtain an E-PIC or VSC**

26. Wheelchair Basketball Canada has joined the Coaching Association of Canada's Responsible Coaching Movement and therefore has access to the E-PIC at a discounted rate. Organizational Participants can obtain an E-PIC via [https://pages.sterlingbackcheck.ca/landing-pages/c/cac\\_ace/](https://pages.sterlingbackcheck.ca/landing-pages/c/cac_ace/)
27. In Ontario, Wheelchair Basketball Canada understands that the *Police Record Checks Reform Act, 2015* requires the individual to consent in writing before requesting a criminal record check (such as an E-PIC). The Act also requires the individual to consent in writing for any disclosure of the results to the requesting organization.
28. In BC, the process for obtaining a Criminal Record Check is different than in other provinces and territories and sections of this policy relating to obtaining a Criminal Record Check may not apply. In such cases, the Screening Committee will provide individuals with directions pursuant to the following website: <https://www.viasport.ca/free-criminal-records-checks>
29. Organizational Participants may only obtain a VSC by visiting an RCMP office or police station, submitting two pieces of government-issued identification (one of which must have a photo), and completing any required paperwork. Fees may also be required.

30. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
31. Wheelchair Basketball Canada understands that it may be required to assist an individual with obtaining a VSC. Wheelchair Basketball Canada may need to submit a Request for VSC (**Appendix E**) or complete other documentation describing the nature of the organization and the individual's role with vulnerable individuals.

## **Procedure**

32. Screening documents must be submitted to the Screening Committee.
33. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be informed that their application and/or position will not proceed until such time as the screening documents are submitted.
34. Wheelchair Basketball Canada understands that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, Wheelchair Basketball Canada may permit the individual to participate in the role during the delay. Wheelchair Basketball Canada may withdraw this permission at any time and for any reason.
35. Wheelchair Basketball Canada recognizes that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted and may request further screening documents if deemed necessary.
36. Following the review of the screening documents, the Screening Committee will decide:
  - a) The individual has passed screening and may participate in the desired position;
  - b) The individual has passed screening and may participate in the desired position with conditions;
  - c) The individual has not passed screening and may not participate in the desired position; or
  - d) More information is required from the individual.
37. In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.

38. The Screening Committee may decide that an individual has not passed screening if the screening documentation reveals any of the following:

a) If imposed in the last ten years:

- i. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
- ii. Any offense involving conduct against public morals
- iii. Any offense involving theft or fraud

b) If imposed at any time:

- i. Any offense involving a Minor or Minors
- ii. Any offense of assault, physical or psychological violence
- iii. Any offense involving trafficking or possession of illegal drugs
- iv. Any offense involving the possession, distribution, or sale of any child-related pornography
- v. Any sexual offense

### **Conditions and Monitoring**

39. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee may apply and remove conditions at its discretion and will determine the means by which adherence to conditions may be monitored.

### **Records**

40. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings.

41. The records kept, which will be stored in a secure area, by Wheelchair Basketball Canada as part of the screening process include but are not limited to:

- a) An individual's Vulnerable Sector Check
- b) An individual's E-PIC (for a period of three years)
- c) An individual's Screening Disclosure Form (for a period of three years)

- d) An individual's Screening Renewal Form (for a period of one year)
- e) Records of any conditions attached to an individual's registration by the Screening Committee
- f) Records of any discipline applied to any individual by Wheelchair Basketball Canada or by another sport organization

**APPENDIX A – SCREENING DISCLOSURE FORM**

**NAME:** \_\_\_\_\_

First

Middle

Last

**OTHER NAMES YOU HAVE USED:** \_\_\_\_\_

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_

Street

City

Province

Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_

Month/Day/Year

**CLUB (if applicable):** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

*Note: Failure to disclose truthful information below may be considered an intentional omission and the loss of volunteer responsibilities or other privileges*

**1. Do you have a criminal record? If so, please complete the following information for each conviction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Year Convicted: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**2. Have you ever been disciplined or sanctioned by a sport governing body or by an independent body (e.g., private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position? If so, please complete the following information for each disciplinary action or sanction. Attach additional pages as necessary.**

Name of disciplining or sanctioning body: \_\_\_\_\_

Date of discipline, sanction or dismissal: \_\_\_\_\_

Reasons for discipline, sanction or dismissal: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

- 3. Are criminal charges or any other sanctions, including those from a sport body, private tribunal or government agency, currently pending or threatened against you? If so, please complete the following information for each pending charge or sanction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Name of disciplining or sanctioning body: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

### **PRIVACY STATEMENT**

By completing and submitting this Screening Disclosure Form, I consent and authorize Wheelchair Basketball Canada to collect, use and disclose my personal information, including all information provided on the Screening Disclosure Form as well as my Enhanced Police Information Check and/or Vulnerable Sector Check (when permitted by law) for the purposes of screening, implementation of Wheelchair Basketball Canada's *Screening Policy*, administering membership services, and communicating with National Sport Organizations, Provincial Sport Organizations, Sport Clubs, and other organizations involved in the governance of sport. Wheelchair Basketball Canada does not distribute personal information for commercial purposes.

### **CERTIFICATION**

I hereby certify that the information contained in this Screening Disclosure Form is accurate, correct, truthful and complete.

I further certify that I will immediately inform Wheelchair Basketball Canada of any changes in circumstances that would alter my original responses to this Screening Disclosure Form. Failure to do so may result in the withdrawal of volunteer responsibilities or other privileges and/or disciplinary action.

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**APPENDIX B – SCREENING RENEWAL FORM**

**NAME:** \_\_\_\_\_

First

Middle

Last

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_

Street

City

Province

Postal

**DATE OF BIRTH:** \_\_\_\_\_

**GENDER IDENTITY:** \_\_\_\_\_

Month/Day/Year

**EMAIL:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

By signing this document below, I certify that there have been no changes to my criminal record since I last submitted an Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to Wheelchair Basketball Canada. I further certify that there are no outstanding charges and warrants, judicial orders, peace bonds, probation or prohibition orders, or applicable non-conviction information, and there have been no absolute and conditional discharges.

I agree that any Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I would obtain or submit on the date indicated below would be no different than the last Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I submitted to Wheelchair Basketball Canada. I understand that if there have been any changes, or if I suspect that there have been any changes, it is my responsibility to obtain and submit a new Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to Wheelchair Basketball Canada's Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from the Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form, and that if I submit this form improperly, then I am subject to disciplinary action and/or the removal of volunteer responsibilities or other privileges at the discretion of the Screening Committee.**

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## APPENDIX C – REQUEST FOR VULNERABLE SECTOR CHECK

*Note: Wheelchair Basketball Canada will be required to modify this letter to adhere to any requirements from the VSC provider*

### INTRODUCTION

Wheelchair Basketball Canada is requesting a Vulnerable Sector Check for \_\_\_\_\_ [insert individual's full name] who identifies as a \_\_\_\_\_ [insert gender identity] and who was born on \_\_\_\_\_ [insert birthdate].

### DESCRIPTION OF ORGANIZATION

Wheelchair Basketball Canada is the not-for-profit national governing organization for the sport of basketball in Canada.

[Insert additional description]

### DESCRIPTION OF ROLE

\_\_\_\_\_ [insert individual's name] will be acting as a \_\_\_\_\_ [insert individual's role]. In this role, the individual will have access to vulnerable individuals.

[Insert additional information re: type and number of vulnerable individuals, frequency of access, etc.]

### CONTACT INFORMATION

If more information is required from Wheelchair Basketball Canada, please contact the Screening Committee Chair:

[Insert information for Screening Committee Chair]

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

**APPENDIX D – ORIENTATION AND TRAINING ACKNOWLEDGEMENT FORM**

1. I have the following role(s) with Wheelchair Basketball Canada (circle as many as apply):

Parent / Guardian

Coach

Director / Volunteer

Athlete

Official

Committee Member

2. As an individual affiliated with Wheelchair Basketball Canada, I acknowledge I have received completed the following orientation and training:

Name of Training or Orientation:

\_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Name of Training or Orientation: \_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name

Signature

Date

## SOCIAL MEDIA POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Social media*” – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.
  - b) “*Organizational Participant*” – All categories of individual membership defined in the Wheelchair Basketball Canada Bylaws, as well as all Participants engaged in activities with Wheelchair Basketball Canada, including, but not limited to, National Participants, athletes, coaches, officials, volunteers, spectators, and parents/guardians of athletes directors, officers, team managers, team captains, medical and paramedical personnel, administrators, contractors and employees.

### Preamble

2. Wheelchair Basketball Canada encourages Organizational Participants to engage with social media but cautions that such engagement must meet the standard of conduct and behaviour outlined by Wheelchair Basketball Canada's [Code of Conduct and Ethics](#). Conduct and behaviour falling short of this standard may be subject to Wheelchair Basketball Canada's [Discipline and Complaints Policy](#).
3. In particular, athletes who engage with social media must understand that, though they are a representative of Wheelchair Basketball Canada, they do not represent Wheelchair Basketball Canada. It should be clear to persons following an athlete's social media activity that the athlete is not speaking on behalf of Wheelchair Basketball Canada.

### Application

4. This Policy applies to all Organizational Participants.

### Conduct and Behaviour

5. Per the Wheelchair Basketball Canada *Discipline and Complaints Policy* and *Code of Conduct and Ethics*, the following social media conduct may be considered infractions:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Organizational Participant, at Wheelchair Basketball Canada, or at other persons connected with Wheelchair Basketball Canada
  - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at a Organizational Participant, at Wheelchair Basketball Canada, or at other persons connected with Wheelchair Basketball Canada

- c) Creating or contributing to a Facebook group, webpage, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Wheelchair Basketball Canada, its stakeholders, or its reputation
  - d) Inappropriate personal or sexual relationships between Organizational Participants who have a power imbalance in their interactions, such as between athletes and coaches, Directors and staff, officials and athletes, etc.
  - e) Any instance of cyber-bullying or cyber-harassment between one Organizational Participant and another Organizational Participant (including a teammate, coach, opponent, volunteer, or official), where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
6. All conduct and behaviour occurring on social media may be subject to the Wheelchair Basketball Canada [\*Discipline and Complaints Policy\*](#).

### **Organizational Participants Responsibilities**

- 7. Organizational Participants acknowledge that their social media activity may be viewed by anyone; including Wheelchair Basketball Canada and the Organizational Participant's provincial/territorial or local basketball associations.
- 8. If Wheelchair Basketball Canada unofficially engages with a Organizational Participant in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Organizational Participant may, at any time, ask Wheelchair Basketball Canada to cease this engagement.
- 9. When using social media, an Organizational Participant must model appropriate behaviour befitting the Organizational Participant's role and status in connection with Wheelchair Basketball Canada.
- 10. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Organizational Participant from being subject to the Wheelchair Basketball Canada *Discipline and Complaints Policy*.
- 11. A person who believes that an Organizational Participant's social media activity is inappropriate or may violate Wheelchair Basketball Canada's policies and procedures should report the matter to Wheelchair Basketball Canada in the manner outlined by the Wheelchair Basketball Canada *Discipline and Complaints Policy*.

### **Wheelchair Basketball Canada Responsibilities**

12. Wheelchair Basketball Canada has a responsibility to understand if and how coaches and athletes are using Social Media to communicate with each other. Coaches and athletes may need to be reminded that behaviour in Social Media is still subject to the [Code of Conduct and Ethics](#) and *Social Media Policy*.
13. Complaints and concerns about an athlete's or a coach's conduct or behaviour in Social Media can be addressed under the [Discipline and Complaints Policy](#).
14. Any violation of this Policy that may be considered "Prohibited Behaviour" or "Maltreatment" (as defined in the UCCMS) when the Respondent is an Organizational Participant who has been designated by WBC as a UCCMS Participant (as defined in the *Discipline and Complaints Policy*), will be handled pursuant to the policies and procedures of the Office of the Sport Integrity Commissioner ("OSIC"), subject to the rights of WBC as set out in the *Discipline and Complaints Policy* and any applicable workplace policies.