



TRACK AND FIELD / ROAD RUNNING / CROSS COUNTRY

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CODE OF CONDUCT AND ETHICS POLICY

AM Code to Prevent and Address Maltreatment in Sport

Manitoba Track and Field Association Inc. (Athletics Manitoba)

Preamble

Athletics Manitoba (AM) views ethical conduct as a cornerstone in the fair administration of the sport of athletics. Everyone participating in athletics, including, but not limited to, an athlete, coach, Integrated Support Team (IST), administrator, volunteer, or staff member is entitled to participate in an environment that is free of Maltreatment.

Athletics Manitoba recognizes that it has a responsibility to ensure a safe and welcoming environment that is free from maltreatment within operations and activities related to athletics including but not limited to training, competition, and the workplace. Athletics Manitoba is committed to eliminating all instances of maltreatment within operations and activities related to athletics throughout the country, particularly those that are directed toward athletes.

Athletics Manitoba requires that all Members and participants in the sport of athletics otherwise governed or sanctioned by Athletics Manitoba adhere to and uphold the principles of Athlete Protection and the Prevention of Maltreatment and to conduct themselves with the highest level of ethical conduct which include fairness, dignity, courtesy, personal responsibility and accountability, honesty, integrity, respect, and a doping-free sport.

The purpose of the Athletics Manitoba Code of Conduct and Ethics Policy (AM Code) is to ensure a safe and positive environment within Athletics Manitoba's programs, activities, and events by making individuals aware that there is an expectation, at all times, of appropriate and respectful behaviour consistent with Athletics Manitoba's core values of physical and emotional health and fitness, individual excellence and personal growth, individual development beyond sport, inclusiveness, and integrity. Athletics Manitoba supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

The AM Code is based upon the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) created by the Canadian sport community.

Athletics Manitoba believes that eliminating maltreatment in sport is vitally important. Complaints related to maltreatment are addressed under the AM Code. Athletics Manitoba considers a respectful and doping-free environment as paramount in promoting participation and competition in athletics.

The purpose of the AM Code and processes established within the Discipline and Complaints Policy are to:

- a) Ensure that individuals understand the key terms and definitions that relate to the AM Code;
- b) Educate individuals and create increased awareness and sensitivity in order to identify conduct that is in violation of the AM Code;
- c) Prevent Maltreatment; and
- d) Provide a process and procedure that describes how individuals can report instances of Maltreatment and how Athletics Manitoba will investigate those reports.

Application

The AM Code applies to Individuals' conduct during Athletics Manitoba's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Athletics Manitoba's activities, Athletics Manitoba's office environment, and any meetings.

An Individual who violates the AM Code may be subject to sanctions as determined by the process outlined within the Discipline and Complaints Policy. In addition to facing a possible sanction pursuant to a determination by the investigation and sanctions authority.

An individual who violates the AM Code during a competition may be ejected from the competition or the playing area, the official may delay the competition until the individual complies with the ejection, and the individual may be subject to any additional discipline associated with the particular competition.

An employee of Athletics Manitoba found to have violated the AM Code against any other employee, worker, contractor, member, customer, supplier, client, athlete, coach, volunteer or other third-party during business hours, or at any Athletics Manitoba event, will be subject to appropriate disciplinary action subject to the terms of Athletics Manitoba's policies on human resources as well as the employee's Employment Agreement (if applicable). If an employee commits an act of violence, the police may be called depending on the nature and severity of the incident.

The AM Code also applies to individuals' conduct outside of Athletics Manitoba's business, activities, and events when such conduct adversely affects relationships within Athletics Manitoba (and its work and sport environment) and is detrimental to the image and reputation of Athletics Manitoba. Such applicability will be determined by Athletics Manitoba at its sole discretion.

Maltreatment should not be confused with legitimate, reasonable management of employees or coaching functions that are part of the normal work relationship and/or athlete-coach relationship, such as:

- a) Performance measurements.
- b) Strategies taken to correct performance deficiencies such as placing a worker/employee on a performance improvement plan.
- c) Imposing discipline for work infractions or legitimate discipline pursuant to the AM Code; or
- d) Requesting medical documents in support of an absence from work as part of the accommodation process or as a part of understanding the care and treatment plan for an athlete.

Jurisdiction

Athletics Manitoba's Board of Directors vests the investigation and sanctions authority to be the autonomous in these areas and to resolve disputes within Athletics Manitoba efficiently, effectively, and fairly.

The investigation and sanctions authority has jurisdiction over complaints that contain allegations of a violation of the AM Code as defined in the Discipline and Complaints policy/process.

Section 1.0 General Principles and Commitment

1.1 Athletics Manitoba and Canadian sport promises to contribute to the physical, psychological, social, and mental health of individuals of varying abilities, backgrounds and interests, and contributes to societal engagement and well-being. The Physical Activity and Sport Act states that: “The Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including the treatment of all persons with fairness and respect, the full and fair participation of all persons in sport and the fair, equitable, transparent and timely resolution of disputes in sport.”

Only when sport environments are safe and inclusive can these values be realized. Individuals should have the reasonable expectation when they participate in sport in Canada that it will be in an environment that is accessible, inclusive, respects their personal goals and is free from all forms of maltreatment. Maltreatment in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.

Maltreatment is unacceptable and fundamentally incompatible with the core values that lie at the heart of Canadian sport as indicated in the Canadian Sport Policy, including being value-based, inclusive, technically sound, collaborative, intentional and effective.

1.2 The following principles will guide the determination of maltreatment and imposition of sanctions:

- a) The maltreatment in question violates the integrity of the participant in question and undermines the values of Canadian sport.
- b) The sanctions imposed reflect the seriousness of the maltreatment and the harm to those affected and the values of Canadian sport.
- c) Harmonized (applied to all Participants across Canada)
- d) Fair (procedural and substantive due process for all Participants)
- e) Comprehensive (all forms of maltreatment and potential sanctions described)
- f) Expert-informed (the determination of maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
- g) Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
- h) Evidence-driven (evidence of maltreatment required)
- i) Independent administration (free from all conflicts of interest)

1.3. Following the Safe Sport Working Group’s consensus statements and the Pan-Canadian consultation held March to May 2019, all parties and organizations committed to the goal of Safe Sport have agreed that maltreatment has no place in Canadian sport and, when present, must be sanctioned appropriately. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders:

- a) All 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 participants, sport stakeholders, sport club administrators and organization leaders.
- c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other participants.

- d) Adult 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 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 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 children and youth 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, 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.

Definitions

Individuals: Individuals employed by, or engaged in activities with Athletics Manitoba, all members and associates including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of Athletics Manitoba, event group leaders, Integrated Support Team (IST) staff, team managers, team staff, and suppliers of services.

Athlete Workplace: Any place where an individual, who is an athlete, participates in social or media functions, or training/competition related activities such as the athlete's daily training environment, competitions environments, training camps, and camp-related or competition- related travel.

Manual therapy- Physical treatment primarily used by physical therapists, physiotherapists to treat musculoskeletal pain and injury; it mostly includes the massage of muscles, joint mobilization and joint manipulation. It's also used by occupational therapists, chiropractors, massage therapists, athletic therapists, osteopaths, and physicians.

Authority Based Relationship: is a relationship in which one person has power over another by virtue of an ascribed position of authority, such as between a high performance director and coach; employer and employee; technical official and Athlete.

Complainant: A Participant or observer who makes a report of an incident of Maltreatment or suspicions of an incident of Maltreatment.

Consent by a Person over the Age of Majority: Consent is defined in Canada's Criminal Code as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The Criminal Code also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot

say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent. For further information, please see the comment below. Sexual activity with a minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.

Dependency Relationship: is a relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust and fulfillment of needs, conducive to intimate physical or psychological connections, such as between a parent and child; teach and student; coach and athlete, high performance director and athlete, sport science and medical support staff and athlete; billet or host family and athlete.

Disclosure: The sharing of information by a participant regarding an incident or a pattern of maltreatment experienced by that participant. Disclosure does not constitute a formal report that initiates a process of investigation to address the maltreatment.

Duty to Report under Child Protection Legislation: A legal duty to report is mandated by law, and the requirement varies by Province/Territory depending on Provincial/Territorial legislation. Everyone has a duty to report child abuse and neglect under Canadian child welfare laws. Professionals who work with children and youth have an added responsibility to report. Adults are obliged to report child maltreatment if there is knowledge or suspicion that it is occurring. This is called the "duty to report." Every person in Canada has the duty to report known or suspected child maltreatment by law. Known or suspected abuse or neglect of a child must be reported to: local child welfare services (e.g., children's aid society or child and family services agency), or Provincial/Territorial social service ministries or departments, or local police.

Duty to Report Concerns Outside of Child Protection Legislation: Participants have a duty to report concerns of inappropriate conduct of other participants to uphold the ethical standards and values of Canadian sport. Reporting inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect participants from maltreatment is enacted.

Grooming: Deliberate conduct by a participant to sexualize a relationship with a minor that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the participant will gain the trust of the minor and protective adults and peers around the minor often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the minor in order to abuse or exploit the minor. Grooming can occur whether or not harm is intended or results from the behaviour.

Investigator: The independent third-party investigator appointed to conduct an investigation into complaints of maltreatment.

Minor: An individual who is under the age of majority at the time and in the jurisdiction where the alleged maltreatment occurred. It is the responsibility of the adult to know the age of a minor.

The following table illustrates the definition of a child for the purposes of protection in each Province and Territory at the time of writing the UCCMS upon which this Code is based.

Please check your local jurisdiction for potential changes.

Province or Territory	Definition of child for purposes of protection
Newfoundland and Labrador	under 16 years old
Prince Edward Island	under 18 years old
Nova Scotia	under 19 years old
New Brunswick	under 19 years old
Quebec	under 18 years old
Ontario	under 18 years old
Nova Scotia	under 19 years old
Manitoba	under 18 years old
Saskatchewan	under 16 years old
Alberta	under 18 years old
British Columbia	under 19 years old
Yukon	under 19 years old
Northwest Territories	under 16 years old
Nunavut	under 16 years old
Note: Children with disabilities are eligible for protective services until age 19.	

Maltreatment: Volitional acts that result in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in Section 1.0 Maltreatment.

Neglect: Any pattern or a single serious incident of lack of reasonable care, inattention to a Participant's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the participant's needs and requirements, not whether harm is intended or results from the behaviour.

Participant: Every individual who is subject to the AM Code.

[Note: Participants may become subject to the AM Code by various means. Athletes through membership in an adopting sport organization and coaches, volunteers, doctors, trainers, administrators, directors, etc. by signing an express contract accepting the jurisdiction of the AM Code]

Physical Maltreatment: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the participant. Physical maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

Power Imbalance: A power imbalance may exist where, based on the totality of the circumstances, a participant has supervisory, evaluative, a duty of care, or other authority over another participant. A power imbalance may also exist between an athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots.

Maltreatment occurs when this power is misused.

Once a coach-athlete relationship is established, a power imbalance is presumed to exist throughout the coach-athlete relationship, regardless of age, and is presumed to continue for minor athletes after the coach-athlete relationship terminates or until the athlete reaches 25 years of age.

A power imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).

Psychological Maltreatment: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the participant.

Psychological maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour.⁸

Reporting (or Report): The provision of information in writing by any person or a participant to a relevant independent authority (the independent person or position charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the maltreatment, or (ii) a witness – someone who witnessed the maltreatment or otherwise knows or suspects maltreatment. In either case, the intention of reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the respondent.

Respondent: A participant who is alleged to have engaged in maltreatment and thereby to have violated the AM Code.

Sexual Maltreatment involving a Child: Any form of adult/child sexualized interaction constitutes child sexual abuse. Sexual abuse of a child may occur through behaviours that do or do not involve actual physical contact.

Sexual Maltreatment involving a person over the Age of Majority: Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a participant without the participant's consent. It includes any act targeting a participant's sexuality, gender identity or expression, that is committed, threatened or attempted against a participant without that participant's consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non- consensual distribution of sexual/intimate images. Sexual maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

Workplace: Any place where business or work-related activities are conducted. Workplaces include but are not limited to, Athletics Manitoba's office, work-related social or media functions, work assignments outside Athletics Manitoba's offices, work-related travel, and work-related conferences or training sessions.

Section 2.0 Maltreatment

2.1 Scope of Application

- 2.1.1. This section of the AM Code sets forth expectations for Participants regarding the elimination of Maltreatment in sport.
- 2.1.2. The AM Code applies to Participants active in sport or retired from sport where any claim of Maltreatment occurred when the Participant was active in sport.

- 2.1.3. The right to participate in sport may be limited, conditional, suspended, terminated or denied if a Participant is alleged to have engaged in Maltreatment. It is a violation of the AM Code for a Participant to engage in Maltreatment (however described).
- 2.1.4. Adults in positions of trust and authority shall be responsible for knowing what constitutes Maltreatment. The categories of Maltreatment are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.

Maltreatment can be any of the prohibited behaviours and conduct, provided the maltreatment occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the Participant alleged to have committed maltreatment was engaging in sport activities or (iii) when the Participants involved interacted due to their mutual involvement in sport or (iv) outside of the sport environment where the Maltreatment has a serious and detrimental impact on another Participant. The physical location(s) where the alleged Maltreatment occurred is not determinative.

2.1.5. Subjecting a Participant to the Risk of Maltreatment

It is a violation of the AM Code for sport administrators or other sport decision-makers in positions of authority to place participants in situations that make them vulnerable to maltreatment. This includes, but is not limited to, instructing an athlete and coach to share a hotel room when traveling, hiring a coach who has a past history of athlete maltreatment, assigning guides and other support staff to a para-athlete when the guide or support staff has a reputation for athlete maltreatment or assigning such a guide or support staff to a para-athlete in the absence of consultation with the para- athlete.

2.2. Maltreatment

2.2.1. *Psychological Maltreatment*

2.2.1.1. It is a violation of the AM Code for a Participant to engage in Psychological Maltreatment.

2.2.1.2. Psychological Maltreatment includes, without limitation, verbal acts, non- assaultive physical acts and acts that deny attention or support.

2.2.1.2.1. Verbal Acts

Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.

2.2.1.2.2. Non-assaultive Physical Acts (no physical contact)

Physically aggressive behaviors, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.

2.2.1.2.3. Acts that Deny Attention or Support

Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

2.2.2. *Physical Maltreatment*

2.2.2.1. It is a violation of the AM Code for a Participant to engage in Physical Maltreatment.

2.2.2.2. Physical Maltreatment includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm.

2.2.2.2.1. Contact behaviours

Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.

2.2.2.2.2. Non- Contact behaviours

Including but not limited to: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a participant under the legal drinking age; providing illegal drugs or non-prescribed medications to an athlete; encouraging or knowingly permitting an athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an athlete to perform a skill for which they are known to not be developmentally ready.

2.2.3. *Sexual Maltreatment*

2.2.3.1. It is a violation of the AM Code for a Participant to engage in Sexual Maltreatment.

2.2.3.2. Sexual Maltreatment includes, without limitation, any act targeting a person's sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non- consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.

2.2.3.3. Examples of Sexual Maltreatment include, without limitation:

- 2.2.3.3.1. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
- a) vaginal penetration by a penis, object, tongue, or finger; and
 - b) anal penetration by a penis, object, tongue, or finger.
- 2.2.3.3.2. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
- a) kissing;
 - b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
 - c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
 - d) making another touch themselves, the Participant, or someone else with or on any of the body parts listed in b).
 - e) any intentional touching in a sexualized manner of the relationship, context or situation.
- 2.2.3.3.3. In addition to the criminal acts identified above, the UCCMS prohibits sexual relations between an athlete above the age of majority (depending upon jurisdiction) and a Participant who holds a position of trust and authority on the basis that there can be no Consent where there is a Power Imbalance. A Power Imbalance that is presumed to exist may be challenged.

2.2.4. *Neglect*

- 2.2.4.1. It is a violation of the AM Code for a participant to engage in neglect.
- 2.2.4.2. Neglect, or acts of omission, includes without limitation: not providing an athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing an athlete to disregard sport's rules, regulations, and standards, subjecting participants to the risk of maltreatment

2.2.5. *Maltreatment Related to Grooming.*

- 2.2.5.1. It is a violation of the AM Code for a Participant to engage in Grooming.
- 2.2.5.2. Grooming is often a slow, gradual and escalating process of building trust and comfort with a young person. Grooming includes, without limitation, the process of making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' that have been professionally- identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult Participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported

therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).

- 2.2.5.3. Grooming usually begins with subtle behaviours that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.
- 2.2.5.4. In the grooming process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person's trust. Grooming then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to "accidental" sexual touching.
- 2.2.5.5. The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned.¹⁰

2.2.6. *Maltreatment Related to Process*

- 2.2.6.1. The behaviors identified below also constitute Maltreatment and may give rise to a sanction.

- 2.2.6.1.1. Interference with or manipulation of process

An adult Participant, violates the AM Code by directly or indirectly interfering with an AM Code process by:

- a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) destroying or concealing information;
- c) attempting to discourage an individual's proper participation in or use of the AM Code's processes;
- d) harassing or intimidating (verbally or physically) any person involved in the AM Code's processes before, during, and/or following any AM Code proceedings;
- e) publicly disclosing a Participant's identifying information, without the Participant's agreement;
- f) failing to comply with any temporary or provisional measure or other final sanction;
- g) distributing or otherwise publicizing materials a Participant gains access to during a AM Code investigation or hearing, except as required by law or as expressly permitted; or
- h) influencing or attempting to influence another person to interfere with or manipulate the process.

- 2.2.6.1.2. Retaliation

Retaliation is prohibited. A Participant shall not take an adverse action against any person for making a good faith Report of possible Maltreatment or for participating in any process under the AM Code. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in AM Code's processes.

Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Maltreatment

2.2.6.1.3. Aiding and Abetting

Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by a Participant. Aiding and Abetting also includes, without limitation, knowingly:

- a) allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Participants;
- b) providing any coaching-related advice or service to an athlete who has been suspended or is otherwise ineligible; and
- c) allowing any person to violate the terms of their suspension or any other sanctions imposed

2.2.7. *Maltreatment Related to Reporting*

2.2.7.1. Failure to Report Maltreatment of a Minor

A legal duty to report is mandated by law, and the requirement varies by Province/Territory depending on Provincial/Territorial legislation. An adult Participant who fails to Report actual or suspected Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant pursuant to the AM Code's processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under the AM Code.

- 2.2.7.1.1. The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment or Neglect involving a Minor Participant. The obligation to Report is an ongoing one and is not satisfied simply by making an initial report. The obligation includes Reporting, on a timely basis, all relevant information of which an adult Participant becomes aware.
- 2.2.7.1.2. The obligation to Report includes making a direct Report.
- 2.2.7.1.3. The obligation to Report includes personally identifying information of a potential Minor Complainant to the extent known at the time of the Report, as well as a duty to reasonably supplement the Report as to identifying information learned at a later time.
- 2.2.7.1.4. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Psychological Maltreatment, Sexual Maltreatment,

Physical Maltreatment or Neglect. Participants making a good faith Report are not required to prove the Reports are true before Reporting.

2.2.7.2. Failure to Report Inappropriate Conduct

Not all inappropriate conduct may meet the threshold for constituting Maltreatment under the AM Code. However, such inappropriate conduct may represent behavior with the risk of escalating to Maltreatment under the AM Code.

Any Participant who suspects or becomes aware of another Participant's inappropriate conduct, even if it is not defined as Maltreatment under the AM Code, shall report and has a mandatory duty to report such inappropriate conduct through the Athletics Manitoba internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for reporting the concern within Athletics Manitoba's policies and procedures. The person making the report does not need to determine whether a violation of the AM Code took place: instead, the responsibility lies in reporting the objective behaviour.

2.2.7.3. Intentionally Filing a False Allegation

In addition to constituting Maltreatment, filing a knowingly false allegation or influencing others to file a knowingly false allegation, that a Participant engaged in Maltreatment shall be subject to disciplinary action pursuant to the AM Code.

2.2.7.3.1. An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur.

2.2.7.3.2. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for an AM Code violation.

Section 3.0 Sanctions

In addition to any temporary or provisional measure that may be imposed, where there is sufficient evidence to support a finding that a Participant engaged in Maltreatment and thus violated the AM Code, sanctions will be imposed. Different incidents constituting a violation of the same part of the AM Code may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors.

Any sanction imposed against a Participant must be proportionate and reasonable, relative to the Maltreatment that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of Maltreatment can lead to a very significant sanction. If Maltreatment is proven one or more of the following sanctions may be imposed:

3.1 Sanctions

3.1.1. *Verbal or Written Warning*

A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the AM Code and that more severe sanctions will result should the Participant be involved in other violations.

3.1.2. *Education*

The requirement that a Participant undertake specified educational or similar remedial measures to address the Maltreatment.

3.1.3. *Probation*

Should any further violations of the AM Code 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 of time.

3.1.4. *Suspension*

Suspension either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization subject to the AM Code. A suspended Participant is eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.

3.1.5. *Eligibility Restrictions*

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

3.1.6. *Permanent Ineligibility*

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization subject to the AM Code.

3.1.7. *Other discretionary sanctions*

Other sanctions for Maltreatment 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.

3.2. **Considerations**

3.2.1. Factors relevant to determining appropriate sanctions for a Respondent include, without limitation:

- 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 inappropriate behaviour or Maltreatment;
- c) The 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 Maltreatment, and/or cooperation in the AM Code's process;
- 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 AM Code; addiction; disability; illness);

- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high- impact decision-making may face more serious sanctions; and/or
- j) Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

3.3. Presumptive sanctions

3.3.1. The following sanctions are presumed to be fair and appropriate for the listed Maltreatment, but the Respondent affected may rebut these presumptions:

- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
- b) Sexual Maltreatment, Physical Maltreatment with contact and Maltreatment related to Process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

3.4. Public Disclosure

In addition to the publication of a summary of the final outcome of an AM Code resolution process, a publicly-available searchable database or Registry of Respondents who have been sanctioned by or whose eligibility to participate in sport has in some way been restricted shall be maintained, pursuant to the provisions contained in the UCCMS and as adopted by Athletics Manitoba from time to time in order to comply with provisions of the UCCMS. The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential, unless disclosure is necessary for the purpose of investigating or taking corrective action or is otherwise required by law.

Section 4.0 Responsibilities

4.1. Individuals

Individuals have a responsibility to:

- a) Uphold and comply with the principles and terms contained in this AM Code.
- b) Maintain and enhance the dignity and self-esteem of Athletics Manitoba members and other individuals by:
 - i. Treating each other with the highest standards of respect and integrity;
 - ii. Demonstrating equal treatment of all individuals in accordance with the principles set out in the human rights and occupational health and safety legislation as may be applicable;
 - iii. Consistently demonstrating sportsmanship and fair play, sport leadership, and ethical conduct;
 - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory or unethical;

- v. Consistently treating other Individuals fairly and reasonably; and
 - vi. Adhere to the rules of the sport and to the spirit of those rules.
- c) Refrain from any behaviour that constitutes Maltreatment;
 - d) Abstain from the non-medical use of drugs and/or the use of performance- enhancing drugs or methods. More specifically, Athletics Manitoba adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of the AM Code and may be subject to further disciplinary action, and possible sanction. Athletics Manitoba will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Athletics Manitoba or any other organization;
 - e) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti- Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES);
 - f) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
 - g) Refrain from consuming tobacco products, or recreational drugs while participating in Athletics Manitoba programs, activities, competitions, or events;
 - h) In the case of minors, not consume alcohol, tobacco, or recreational drugs at any competition or event;
 - i) In the case of adults, not consume recreational drugs in the Workplace or in any situation associated with Athletics Manitoba's events (subject to any requirements for accommodation), not provide alcohol or recreational drugs to minors, and take reasonable steps to manage the responsible consumption of alcohol in social situations associated with Athletics Manitoba's events;
 - j) Respect the property of others and not willfully cause damage;
 - k) Promote the sport in the most constructive and positive manner possible;
 - l) Refrain from engaging in cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition;
 - m) Adhere to all Federal, Provincial/Territorial, municipal and host country laws; and
 - n) Comply, at all times, with Athletics Manitoba's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time, in particular the AM Code.

4.2. Directors, Committee Members and Staff

In addition to 4.1 Responsibilities (above), Athletics Manitoba's Directors, Committee Members, employees, and contractors will have additional responsibilities to, where applicable:

- a) Function primarily as a Director, Committee Member or Staff Member of Athletics Manitoba as their first responsibility; not as a member of any other particular category of participant in Athletics Manitoba activity;
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of Athletics Manitoba's business and the maintenance of Individuals' confidence;
- c) Ensure that Athletics Manitoba's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities;
- d) Conduct themselves openly, professionally, lawfully and in good faith in the best interests of Athletics Manitoba;

- e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism;
- f) Behave with decorum appropriate to both circumstance and position and be fair, equitable, considerate, and honest in all dealings with others;
- g) Keep informed about Athletics Manitoba's activities, the international, national and Provincial/Territorial sport community, and general trends in the sectors in which they operate;
- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which Athletics Manitoba is incorporated;
- i) Respect the confidentiality appropriate to issues of a sensitive nature;
- j) Ensure that all Individuals are given sufficient opportunity to express opinions, and that all opinions are given due consideration and weight;
- k) Respect the decisions of the majority and resign if unable to do so;
- l) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings;
- m) Have a thorough knowledge and understanding of all Athletics Manitoba governance documents;
and

4.3. Coaches, Instructors, Trainers, and Athlete Support Personnel

In addition to 4.1 Responsibilities (above), High Performance Staff, coaches and IST staff have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches, instructors, trainers and athlete support personnel will:

- a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes;
- b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes;
- c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments;
- d) Support the coaching staff of a training camp, Provincial/Territorial team, or national team; should an athlete qualify for participation with one of these programs;
- e) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete;
- f) Consider the academic pressures applicable to student-athletes and conduct training and events in a manner that supports academic success;
- g) Act in the best interest of the athlete's development as a whole person;
- h) Respect other coaches;
- i) Meet the highest standards of credentials, integrity and suitability, including but not limited to such considerations established by Athletics Manitoba's policies on professional development and screening;
- j) Comply with the 3 steps of the Responsible Coaching Movement
 - i. Implement the Rule of Two in your daily coaching environment
 - ii. Comply with the Organization's Screening Policy

- iii. Maintain up to date Ethics Training and follow the NCCP Code of Ethics
- k) Report any ongoing criminal investigation, conviction, or existing bail conditions involving themselves or any other Individual;
- l) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol, recreational drugs and/or tobacco;
- m) Respect athletes participating with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', other than after first receiving approval from the coaches who are responsible for the athletes;
- n) Disclose any sexual or intimate relationship with an athlete over the age of 18 and immediately discontinue any coaching involvement with that athlete because of the imbalance of power, unless that intimate relationship began before the coaching relationship;
- o) Not engage in a sexual relationship with an athlete under 18 years of age, or an intimate or sexual relationship with an athlete over the age of 18 if in a position of power, trust or authority over the athlete;
 - i. Position of Power/Power Imbalance: A Power Imbalance may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, a duty of care, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the parties involved; identity aspects (e.g. gender, gender expression, sexual and ethno-racial minorities, physical and intellectual disabilities, and Indigenous status); whether there is an initiator; whether there is a significant disparity in age, size, strength, or intellectual capacity.
 - ii. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age. A Power Imbalance is presumed to continue for Minor Athletes after a coach-Minor Athlete relationship terminates until the Athlete reaches 25 years of age. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers or sport science support staff.
 - iii. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship that preceded the sport relationship). There can be no Consent where there is a Power Imbalance within a Dependency or Authority-Based Relationship. Importantly, a Power Imbalance is presumed to exist for the duration of the Athlete-coach relationship. A Power Imbalance that is presumed to exist may be rebutted.
- p) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights;
- q) Coaches are not perform any manual therapy or sport medicine treatment methods with athletes, instead refer athletes and parents to certified, external service providers as necessary

- r) Dress professionally, neatly, and inoffensively; and
- s) Use professional, inclusive, respectful language, taking into account the audience being addressed.

4.4. Athletes

In addition to 4.1 Responsibilities (above), athletes will have additional responsibilities to:

- a) Report any medical issues or concerns in a timely fashion, when these may limit the athlete's ability to travel, practice, or compete;
- b) Participate and appear on-time, and prepared to participate to the best of their ability in all training camps, competitions, practices, training sessions, tryouts, tournaments, and events;
- c) Properly represent themselves and participate only in competition for which they are eligible;
- d) Adhere to Athletics Manitoba's rules and requirements regarding clothing and equipment;
- e) Never ridicule a participant for a poor performance or practice;
- f) Act in a manner that respects others and not use violence, foul language, or negative gestures;
- g) Dress to represent the sport and themselves well and with professionalism;

4.5. Officials

In addition to 4.1 Responsibilities (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes;
- b) Work within the boundaries of their position's description while supporting the work of other officials;
- c) Act as an ambassador of Athletics Manitoba by agreeing to enforce and abide by national and Provincial/Territorial rules and regulations;
- d) Take ownership of actions and decisions made while officiating;
- e) Respect the rights, dignity, and worth of all individuals;
- f) Not publicly criticize other officials or any club or association;
- g) Assist with the development of less-experienced officials;
- h) Conduct themselves openly, impartially, professionally, lawfully, and in good faith in the best interests of Athletics Manitoba, athletes, coaches, other officials, and parents;
- i) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others;
- j) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about individuals;
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time;
- l) When writing reports, set out all relevant facts to the best of their knowledge and recollection and not attempt to justify any decisions; and
- m) Dress in proper attire for officiating.

4.6 Parents/Guardians and Spectators

In addition to 4.1 Responsibilities (above) Parents/Guardians and Spectators at events will:

- a) Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
- b) Condemn the use of violence in any form

- c) Never ridicule a participant for making a mistake during a performance or practice
- d) Provide positive comments that motivate and encourage participants' continued effort
- e) Respect the decisions and judgments of officials, and encourage athletes to do the same
- f) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- g) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
- h) Not harass competitors, coaches, officials, parents/guardians, or other spectators