**ROWING CANADA AVIRON**

**SAFE SPORT POLICY MANUAL**

# Introduction

Rowing Canada Aviron (RCA) 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 rowing community.

RCA and its Members[[1]](#footnote-2) take any situation involving misconduct or Maltreatment very seriously; for this reason, RCA 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 RCA Safe Sport Manual contains policies for the entire rowing community, that are applicable from coast to coast to coast and from club level to the national team. 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 participants.

This Safe Sport Manual has been prepared by Rowing Canada Aviron and is intended to be a set of pan-Canadian policies applicable to Rowing Canada Aviron and its Members, which Members should adopt through a Member Declaration, which will be provided by Rowing Canada Aviron. Subject to provincial or territorial legislation that may impact the application of any of the policies found in this Manual, all Rowing Canada Aviron 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 Rowing Canada Aviron.

Should any individuals involved with rowing programs, including Athletes, coaches, umpires, officials, volunteers, and parents/guardians of Athletes, wish to report any instance of misconduct or maltreatment, it must do so directly to Rowing Canada Aviron, who will then determine the appropriate forum and manner to address the complaint.

RCA also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Since the UCCMS may continue to evolve in the foreseeable future, this RCA Safe Sport Policy Suite incorporates the key elements of the current version of the UCCMS in order to ensure that any of the unacceptable behaviour described in the UCCMS is incorporated herein and is applicable to the entire Canadian rowing community. Going forward, and prior to April 1, 2021, the RCA Safe Sport Policy Suite will be amended further to ensure that the UCCMS is fully incorporated and can be implemented appropriately.

RCA will provide all Members with assistance, where necessary, in the implementation of this Safe Sport Policy Manual.

It should also be noted that certain policies found in this Safe Sport Manual also apply to matters beyond safe sport (i.e., the Appeal Policy). As such, these policies will also be published on RCA’s website so that they are accessible and applicable in all relevant areas.

Lastly, Rowing Canada Aviron notes and wishes to advise the Canadian rowing community that, if any Policy, in whole or in part, is excerpted from this Safe Sport Manual, any such action must be taken with the knowledge, and disclosure to any receiving party, that the Policy is part of the Safe Sport Manual, which may impact its application or understanding.

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| **Rowing Canada Aviron**DEFINITIONS  |
| ***The terms defined below shall apply to RCA policies included in this RCA Safe Sport Manual.*** |

* 1. “*Affected Party*” - Any Individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right under the *Appeal Policy*.
	2. “*Appellant*” – The Party appealing a decision pursuant to the *Appeal Policy*.
	3. “*Appeal Manager*” – An individual appointed by Rowing Canada Aviron or a Member who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee the administration of the *Appeal Policy*. The Appeal Manager’s responsibilities shall include those as described in the *Appeal Policy*.
	4. *“Athlete”* – includes any Individual who is registered with RCA or a Member for either recreational or competitive purposes.
	5. *“Board*” – the Board of Directors of Rowing Canada Aviron or a Member, as applicable.
	6. *“Case Manager”* – an independent individual appointed by Rowing Canada Aviron to fulfill the responsibilities described in the *Discipline and Complaints Policy*.
	7. “*Complainant*” – the Party making a complaint pursuant to the *Discipline and Complaints Policy* and as referred to in the *Investigations Policy*.
	8. “*Criminal Record Check (CRC)*” – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
	9. “*Days*” – Days including weekends and holidays
	10. “*Discipline Chair*” - an individual appointed to handle the duties of the Discipline Chair as described in the *Discipline and Complaints Policy*.
	11. “*Discrimination*” – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
	12. “*Enhanced Police Information Check (E-PIC)*” – a Criminal Record Check plus a search of local police information, available from Sterling Backcheck
	13. “*Event*” – An event sanctioned by Rowing Canada Aviron or a Member
	14. “*Harassment*” – A vexatious comment (or comments) or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
		1. Written or verbal abuse, threats, or outbursts;
		2. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
		3. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
		4. Leering or other suggestive or obscene gestures;
		5. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
		6. Practical jokes which endanger a person’s safety, or which may negatively affect performance;
		7. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity, which does not contribute to any Individual’s positive development, but is required to be accepted as part of a team or group, regardless of the individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
		8. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
		9. Deliberately excluding or socially isolating a person from a group or team;
		10. Persistent sexual flirtations, advances, requests, or invitations;
		11. Physical or sexual assault;
		12. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
		13. Retaliation or threats of retaliation against a person who reports harassment to Rowing Canada Aviron or to a Member.
	15. “*Independent Third Party*” – the independent individual retained by Rowing Canada Aviron to receive complaints and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy* and *Investigation Policy*, as applicable.
	16. “*Individuals*”– refers to all categories of members and/or registrants defined in the Bylaws of Rowing Canada Aviron or, as applicable, in the Bylaws of a Member, as well as all people employed by, contracted by, or engaged in activities with Rowing Canada Aviron or a Member including, but not limited to, employees, contractors, Athletes, coaches, umpires, officials, volunteers, managers, administrators, parents or guardians, spectators, Committee members or Directors or Officers
	17. “*Maltreatment*” – any volitional act by an Individual that results in harm or the potential for physical or psychological harm to another Individual, and includes any of the following behaviours or conduct:
1. Psychological Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
	1. Verbal Acts: verbally assaulting or attacking an Individual, including but not limited to unwarranted personal criticisms; body shaming; derogatory comments related to an Individual’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 an Individual to diminish their reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatmentmay also occur in online forms.
	2. Non-assaultive Physical Acts (no physical contact): physically aggressive behaviours, 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.
	3. Acts that Deny Attention or Support: acts that deny attention, lack of support or isolation including but not limited to ignoring psychological needs or socially isolating an Individual repeatedly or for an extended period of time; abandonment of an Athleteas 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. Physical Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an Individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
	1. Contact behaviours: including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another; and deliberately hitting another with objects;
	2. Non-contact behaviours: including but not limited to isolating an Individual in a confined space; forcing an Individual to assume a painful stance or position for no athletic purpose (e.g., requiring an Athleteto 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 an Individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an Individual; encouraging or knowingly permitting an Athlete to return to training or on the water 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.
3. Sexual Maltreatment, including, but not limited to, any act targeting an Individual’s sexuality, gender identity or expression, that is committed, threatened or attempted against that 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 Maltreatmentalso includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.
	1. Examples of Sexual Maltreatment include, but are not limited to:
		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:
			1. vaginal penetration by a penis, object, tongue, or finger; and
			2. anal penetration by a penis, object, tongue, or finger.
		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:
			1. kissing;
			2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
			3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
			4. making another touch themselves, the Individual, or someone else with or on any of the body parts listed in 2).
			5. any intentional touching in a sexualized manner of the relationship, context or situation.
4. Neglect: any pattern or a single serious incident of lack of reasonable care, inattention to an Individual’s needs, nurturing or well-being, or omissions in care. Neglectis determined by the objective behaviour but the behaviour must be evaluated with consideration given to the Individual’sneeds and requirements, not whether harm is intended or results from the behaviour.
	1. Neglect*,* or acts of omission, include without limitation, not providing an Athleterecovery 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 Athleteduring travel, training or competition; not considering the welfare of the Athlete when prescribing dieting or other weight control methods (e.g., caliper tests); disregarding the use of Prohibited Substances or Methods by an Athlete; failure to ensure safety of equipment or environment; allowing an Athleteto disregard sport rules, regulations, and standards, subjecting Individualsto the risk of Maltreatment.
5. Grooming: includes, without limitation, deliberate conduct by an Individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in ‘boundary violations’ which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult participantssharing rooms with a Minorwho 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).
6. Interference with or Manipulation of Process
	1. An adult Individual violates the *Code of Conduct and Ethics* by directly or indirectly interfering with a process instituted pursuant to the *Code* or any other RCA or Member, including the policies found in the RCA Safe Sport Policy Manual, by:
		1. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
		2. destroying or concealing information;
		3. attempting to discourage an Individual’s proper participation in or use of RCA or a Member’s processes;
		4. harassing or intimidating (verbally or physically) any person involved in RCA or a Member’s processes before, during, and/or following any proceedings;
		5. publicly disclosing an Individual’s identifying information, without the Individual’s agreement;
		6. failing to comply with any temporary or provisional measure or other final sanction;
		7. distributing or otherwise publicizing materials an Individual gains access to during any investigation or hearing, except as required by law or as expressly permitted; or
		8. influencing or attempting to influence another Individual to interfere with or manipulate the process.
7. Retaliation: An Individual shall not take an adverse action against any other Individual for making a good faith reportof possible Maltreatmentor for participating in any process found in RCA or a Member’s policies, including those found in this RCA Safe Sport Policy Suite. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in RCA or a Member’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 Maltreatmentoccurred and does not include good-faith actions lawfully pursued in response to a reportof possible Maltreatment*.*
8. Aiding and abetting:
	1. any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatmentby an Individual. Aiding and abetting also includes, without limitation, knowingly:
		1. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Individuals;
		2. providing any coaching-related advice or service to an Athletewho has been suspended or is otherwise ineligible; and
		3. allowing any Individual to violate the terms of their suspension or any other sanctions imposed.
9. Failure by an adult Individual to report actual or suspected Maltreatment of a Minor. This obligation is ongoing and is not satisfied by making an initial report; instead, this obligation includes reporting to RCA or a Member, on a timely basis, all relevant information that the adult Individual is or becomes aware of, and requires making a direct report to RCA or a Member. Any report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date.
10. Failure to report inappropriate conduct: Any Individualwho suspects or becomes aware of another Individual’sinappropriate conduct, even if it is not defined as Maltreatment, has a duty to report such inappropriate conduct to RCA or a Member. Persons in Authority who become aware of another Individual’s inappropriate conduct have a responsibility for reporting the concern to RCA.
11. Intentionally filing a false allegation. An allegation is false if the events or conduct reported did not occur and the Individual making the report knows that the events or conduct did not occur. An individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.
	1. “*Members*” – Rowing Organizations, including Rowing Clubs, Special Associations and Provincial Rowing Associations.
	2. “*Minor*” – any Individual who is under the age of majority at the time and in the jurisdiction where the alleged breach of any RCA or Member policy has occurred. Adult Individuals are responsible for knowing the age of a Minor. For the purpose of protection in each Canadian province and territory, the age of a child is defined as follows:
		1. 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
		2. 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta;
		3. 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon.

**\*\*\* Please verify local jurisdictions for potential changes \*\*\***

* 1. “*Parties*” – in the context of a complaint under the *Discipline and Complaints Policy*, the Complainant and Respondent; in the context of an appeal under the *Appeal Policy*, the Appellant, Respondent and Affected Party (or Parties).
	2. “*Person in Authority*” – Any Individual who holds a position of authority within Rowing Canada Aviron or a Member, including, but not limited to, coaches, umpires, officials, managers, support personnel, chaperones, Committee members, and Directors or Officers
	3. *“Respondent”* – the Party responding to a complaint or investigation; or, in the case of an appeal, the body or organization whose decision is being appealed, or the Individual who was the subject of a decision that is being appealed.
	4. “*Sexual Harassment*” – A vexatious comment (or comments) or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
		1. Sexist jokes;
		2. Threats, punishment, or denial of a benefit for refusing a sexual advance;
		3. Offering a benefit in exchange for a sexual favour;
		4. Demanding hugs;
		5. Bragging about sexual ability;
		6. Leering (persistent sexual staring);
		7. Sexual assault;
		8. Display of sexually offensive material;
		9. Distributing sexually explicit messages or attachments such as pictures or video files;
		10. Sexually degrading words used to describe an Individual;
		11. Unwelcome inquiries into or comments about an Individual’s gender identity or physical appearance;
		12. Inquiries or comments about an Individual’s sex life;
		13. Persistent, unwanted attention after a consensual relationship ends;
		14. Persistent unwelcome sexual flirtations, advances, comments or propositions; and
		15. Persistent unwanted contact.
	5. “*Social media”* – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, and Twitter.
	6. “*Vulnerable Individuals*” – Includes Children / Youth (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 a Person in Authority;
	7. “*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
	8. “*Workplace*” - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the office or facilities of Rowing Canada Aviron or a Member, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment (wherever located), and work-related conferences or training sessions
	9. *“Workplace Harassment”* – Vexatious comment(s) or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
		1. Bullying;
		2. Workplace pranks, vandalism, bullying or hazing;
		3. Repeated offensive or intimidating phone calls or emails;
		4. Inappropriate sexual touching, advances, suggestions or requests;
		5. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
		6. Psychological abuse;
		7. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
		8. Deliberately withholding information that would enable a person to do his or her job, perform or train;
		9. Sabotaging someone else’s work or performance;
		10. Gossiping or spreading malicious rumours;
		11. Intimidating words or conduct (offensive jokes or innuendos); and
		12. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
	10. “*Workplace Violence*” – the use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
		1. Verbal or written threats to attack;
		2. Sending to or leaving threatening notes or emails;
		3. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
		4. Wielding a weapon in a Workplace;
		5. Hitting, pinching or unwanted touching which is not accidental;
		6. Dangerous or threatening horseplay;
		7. Physical restraint or confinement;
		8. Blatant or intentional disregard for the safety or wellbeing of others;
		9. Blocking normal movement or physical interference, with or without the use of equipment;
		10. Sexual violence; and
		11. Any attempt to engage in the type of conduct outlined above.

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| **Rowing Canada Aviron**Athlete Protection Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Purpose**

1. This Athlete Protection Policy describe how Persons in Authority shall maintain a safe sport environment for all Athletes.

**Interactions between Persons in Authority and Athletes – the ‘Rule of Two’**

1. Rowing Canada Aviron and its Members strongly recommend the ‘Rule of Two’ for all Persons in Authority who interact with Athletes. The Coaching Association of Canada describes the intention of the ‘Rule of Two’ as follows:

A coach must never be alone or out of sight with a minor athlete. Two NCCP trained or certified coaches should always be present with an athlete, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. All one-on-one interactions between a coach and an athlete must take place within earshot and in view of a second coach except for medical emergencies. One of the coaches must also be of the same gender as the athlete. Should there be a circumstance where a second screened and NCCP trained or certified coach is not available, a screened volunteer, parent, or adult can be recruited.

1. Rowing Canada Aviron recognizes that fully implementing the ‘Rule of Two’, as described above (and modified accordingly for Persons in Authority), in all circumstances, may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:
	* 1. The training environment should be open to observation so that all interactions between Persons in Authority and Athletes are observable.
		2. Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete.
		3. Persons in Authority shall not invite or have a Vulnerable Individual (or Vulnerable Individuals) in their home without the written permission and contemporaneous knowledge of the Vulnerable Individual's parent or guardian
		4. Vulnerable Individuals must not be in any situation where they are alone with a Person in Authority without another screened adult or Athlete present unless prior written permission is obtained from the Athlete’s parent or guardian

**Practices and Events**

1. As it relates to practices and/or competitions, the following shall be respected:
2. A Person in Authority should never be alone with a Vulnerable Individual prior to or following a competition or practice unless the Person in Authority is the Athlete’s parent or guardian.
3. If the Vulnerable Individual is the first Athlete to arrive, the Athlete’s parent should remain until another Athlete or Person in Authority arrives.
4. If a Vulnerable Individual 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 Individual, should be present in order to avoid the Person in Authority being alone with a Vulnerable Individual
5. 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
6. If there is a concern with observing the Rule of Two, Persons in Authority and Athletes should take additional steps to achieve transparency and accountability in their interactions.

**Communications**

1. Communications between Persons in Authority and Athletes shall respect the following:
2. Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes
3. Persons in Authority may only send personal texts, direct messages on social media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone.
4. No personal texts between Vulnerable Individuals and Persons in Authority may be sent; however, if this is necessary, it should include one other adult person on the message.
5. Parents and guardians may request that their child not be contacted by a Person 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
6. All communication between a Person in Authority and Athletes must be between the hours of 6:00am and midnight unless extenuating circumstances justify otherwise
7. Communications concerning drugs or alcohol use (unless regarding its prohibition) is not permitted
8. No sexually explicit language or imagery or sexually oriented conversation may be communicated by any medium
9. Persons in Authority are not permitted to ask Athletes to keep a secret for them

**Travel**

1. Any travel involving Persons in Authority and Athletes shall respect the following:
2. Teams or groups of Athlete shall always have at least two Persons in Authority with them
3. For mixed gender teams or groups of Athletes, there will be one Person in Authority from each gender
4. Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
5. No Person in Authority may drive a vehicle with an Athlete alone unless the Person in Authority is the Athlete’s parent or guardian
6. 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
7. Room or bed checks during overnight stays must be done by two Persons in Authority
8. For overnight travel when Athletes must share a hotel room, roommates will be age-appropriate and, for Minors, shall be within two years of age of one another and of the same gender identity

**Locker Room / Changing Areas**

1. The following shall apply to locker rooms, changing areas, and meeting rooms:
2. Interactions (i.e., conversation) between Persons in Authority and Athletes should not occur in any room where there is a reasonable expectation of privacy such as a locker room, restroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such room. The Rule of Two must be respected.
3. 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, including but not limited to team communications and/or emergency

**Photography / Video**

1. Any photograph or video involving Athletes shall respect the following:
2. 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.
3. The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
4. Examples of photos that shall be edited or deleted include:
5. Images with misplaced apparel or where undergarments are showing
6. Suggestive or provocative poses
7. Embarrassing images
8. If any photographs or videos will be used on any form of public media, an Image Consent Form must be completed before any images are taken and used

**Physical Contact**

1. It is recognized 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. Any physical contact shall respect the following:
2. Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that he or she is requesting to touch the Athlete and not requiring physical contact
3. Infrequent, non-intentional physical contact during a training session is permitted
4. Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying or celebrating after a poor performance), but this physical contact should always be limited to circumstances where the Person in Authority believes it is in the best interest of the Athlete and when it occurs in an open and observable environment.

**Enforcement**

1. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to RCA’s *Discipline and Complaints Policy*.

## Appendix A – Image Consent Form

1. I hereby grant to [Insert Name of Member organization(s)] and Rowing Canada Aviron (collectively the “Organizations”)on a worldwide basis, the permission to photograph and/or record the Participant’s image and/or voice on still or motion picture film and/or audio tape (collectively the “Images”), and to use the Images to promote the sport and/or the Organizations through traditional media such as newsletters, websites, television, film, radio, print and/or display form, and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity; however, consent may be withdrawn, on a case-by-case basis, pursuant to Section 6 of the *Social Media Policy*.
2. I hereby fully release, discharge, and agree to save harmless the Organizations, for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriate of personality or invasion of privacy.
3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signed at this\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

Print Name of Participant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Participant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Parent/Guardian (if Participant is younger than the age of majority):

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| **Rowing Canada Aviron**Code of Conduct and Ethics |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

Purpose

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and Events of Rowing Canada Aviron and its Members by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization’s core values and policies. Rowing Canada Aviron and its Members support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in our sport and are treated with respect and fairness.

**Application of this Code**

1. This Code applies to any Individual’s conduct during the business, activities, and Events of Rowing Canada Aviron and its Members including, but not limited to, competitions, practices, evaluations (including time controls or any other form of testing), treatment or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.
2. This Code also applies to Individuals’ conduct outside of the business, activities, and Events of Rowing Canada Aviron and its Members when such conduct adversely affects the organization’s relationships (and the work and sport environment) or is detrimental to the image and reputation of Rowing Canada Aviron or a Member. Such applicability will be determined by Rowing Canada Aviron or a Member, as applicable, at its sole discretion.
3. This Code applies to Individuals active in the sport of rowing or who have retired from the sport of rowing where any claim regarding a potential breach of this Code occurred when the Individual was active in the sport.
4. In addition, breaches of this Code may occur when the Individuals involved interacted due to their mutual involvement in the sport of rowing or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).
5. Any Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy,* an Individual who violates this Code during a competition may be removed from the competition or training area, and the Individual may be subject to further sanctions.

**Responsibilities**

1. Individuals have a responsibility to:
2. Maintain and enhance the dignity and self-esteem other individuals by:
3. Treating each other with the highest standards of respect and integrity;
4. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, umpires, officials, organizers, volunteers, employees, or other participants;
5. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
6. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
7. Consistently treating individuals fairly and reasonably; and
8. Ensuring adherence to the rules of the sport and the spirit of those rules.
9. Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment
10. Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency’s Prohibited List currently in force. More specifically, Rowing Canada Aviron and its Members adopt and adhere to the Canadian Anti-Doping Program. Rowing Canada Aviron and its Members will respect any sanction imposed on an Individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules
11. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules
12. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
13. Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, Events of Rowing Canada Aviron or a Member;
14. In the case of minors, not consume alcohol, tobacco, or cannabis at any Event;
15. In the case of adults, not consume cannabis in the Workplace or in any situation associated with the Events of Rowing Canada Aviron or a Member (subject to any requirements for accommodation), not consume alcohol during competitions and in situations where minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations
16. Respect the property of others and not wilfully cause damage
17. Promote sport in the most constructive and positive manner possible
18. When driving a vehicle:
19. Not have his or her license suspended;
20. Not be under the influence of alcohol or illegal drugs or substances;
21. Have valid car insurance; and
22. Refrain from using a mobile device.
23. Adhere to all federal, provincial, municipal and host country laws
24. Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a para-classification, competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition
25. Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of Rowing Canada Aviron and its Members, as applicable and as adopted and amended from time to time
26. Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an Individual to Rowing Canada Aviron or to a Member, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or Prohibited Substance or Method
27. It is also a violation of this Code for any Person in Authority to place an Individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing an Athleteand a 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-Athletewhen the guide or support staff has a reputation for Athlete Maltreatmentor assigning such a guide or support staff to a para-Athletein the absence of consultation with the para-Athlete.

**Directors, Committee Members, and Staff**

1. In addition to section 7 (above), Directors, Committee Members, and Staff of Rowing Canada Aviron and its Members will have additional responsibilities to:
	* + 1. When performing their role as a Director or Committee Member or Staff Member of Rowing Canada Aviron or a Member (as applicable), ensure that they respect their duty of loyalty to Rowing Canada Aviron or the Member (as applicable), and refrain from engaging in any activity or behaviour that could constitute a conflict of interest
			2. Ensure their loyalty prioritizes the interests of Rowing Canada Aviron or the Member (as applicable)
			3. Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the business and the maintenance of Individuals’ confidence
			4. Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
			5. Comply with the *Screening Policy*
			6. Conduct themselves openly, professionally, lawfully and in good faith
			7. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
			8. Behave with decorum appropriate to both circumstance and position
			9. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
			10. Respect the confidentiality appropriate to issues of a sensitive nature
			11. Respect the decisions of the majority and resign if unable to do so
			12. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
			13. Have a thorough knowledge and understanding of all governance documents

**Coaches**

1. In addition to section 7 (above), coaches 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, either consciously or unconsciously. Coaches will:
2. Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes
3. 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
4. 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
5. Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs
6. Accept and promote Athletes’ personal goals and refer Athletes to other coaches and sport specialists as appropriate
7. Provide Athletes (and the parents/guardians of minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete
8. Act in the best interest of the Athlete’s development as a whole person
9. Comply with the *Screening Policy*
10. Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or Prohibited Substances or Prohibited Methods and, in the case of minors, alcohol, cannabis, and/or tobacco
11. Respect Athletes competing for other clubs, provinces or countries and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes
12. Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority
13. 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
14. Dress professionally
15. Use inoffensive language, taking into account the audience being addressed

Athletes

1. In addition to section 7 (above), Athletes will have additional responsibilities to:
2. Adhere to their Athlete Agreement (if applicable)
3. Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete
4. Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, and evaluations (including time controls or any other form of testing)
5. Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
6. Adhere to any rules and requirements regarding clothing and equipment
7. Dress to represent the sport and themselves with professionalism
8. Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers

**Umpires**

1. In addition to section 7 (above) and section 11.5 in the RCA Rules of Racing, umpires will have additional responsibilities to:
2. Maintain and update their knowledge of the rules of racing and rules changes
3. Not publicly criticize other umpires
4. Work within the boundaries of their position’s description while supporting the work of other umpires
5. Act as an ambassador of the sport of rowing by agreeing to enforce and abide by national and provincial rules and regulations
6. Take ownership of actions and decisions made while umpiring
7. Respect the rights, dignity, and worth of all Individuals
8. Act openly, impartially, professionally, lawfully, and in good faith
9. Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
10. Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals
11. Comply with the *Screening Policy*
12. Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the Member at the earliest possible time
13. When writing reports, set out the actual facts to the best of their knowledge and recollection
14. Dress in proper attire for umpiring

**Parents/Guardians and Spectators**

1. In addition to section 7 (above), parents/guardians and spectators at Events will:
	1. Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
	2. Condemn the use of violence in any form
	3. Never ridicule a participant for making a mistake during a competition or practice
	4. Respect the decisions and judgments of umpires and officials, and encourage Athletes to do the same
	5. Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
	6. Respect and show appreciation to all competitors, and to coaches, umpires, officials and other volunteers
	7. Never harass competitors, coaches, umpires, officials, parents/guardians, or other spectators

**Retaliation, Retribution or Reprisal**

1. It is a breach of this Code of Conduct and Ethics for any Individual to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Individual from filing, in good faith, a complaint pursuant to any Rowing Canada Aviron policy.

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| **Rowing Canada Aviron**Discipline and Complaints Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Purpose**

* 1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, Bylaws, rules and regulations of Rowing Canada Aviron and its Members, as applicable. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

**Application of this Policy**

1. This Policy applies to all Individuals.
2. This Policy applies to matters that may arise during the business, activities, and Events of Rowing Canada Aviron and its Members (as applicable) including, but not limited to, competitions, on and off water training, evaluations (including time controls or any other form of testing), treatment or consultations (i.e., massage therapy), training camps, travel associated with Rowing Canada Aviron or Member activities, and any meetings.
3. This Policy also applies to Individuals’ conduct outside of the business, activities, and Events of Rowing Canada Aviron and its Members (as applicable) when such conduct adversely affects RCA and/or the Member’s relationships (and the work and sport environment) or is detrimental to the image and reputation of Rowing Canada Aviron or a Member, or upon the acceptance of Rowing Canada Aviron or a Member.
4. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from the sport of rowing where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in the sport of rowing or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or reports an incident that occurred at a time during which a different Rowing Canada Aviron or Member policy was in force (i.e., Code of Conduct and Ethics, Discipline and Complaints Policy), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offense or breach of the policy has occurred, unless the panel hearing the matter determines that the principle of lex mitior applies to the circumstances of the case; however, for such cases, this Discipline and Complaints Policy will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by Rowing Canada Aviron at its sole discretion and shall not be subject to appeal.

1. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or Event only.
2. In addition to being subject to disciplinary action pursuant to this Discipline and Complaints Policy, an employee of Rowing Canada Aviron or a Member who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s Employment Agreement, if applicable.

**Minors**

1. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
2. Communication from the Independent Third Party, Case Manager, Discipline Chair or Discipline Panel, as applicable, must be directed to the Minor’s representative.
3. A Minor is not required to attend an oral hearing, if held.

**Reporting a Complaint**

1. All complaints must be reported by an Individual (or Individuals) to Rowing Canada Aviron’s identified Independent Third Party within fourteen (14) days of the occurrence of the incident. This timeline may be waived at the Independent Third Party’s sole discretion if they consider that there were extenuating circumstances that prevented the Individual from filing their complaint within fourteen (14) days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.
2. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may report a complaint to 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 Rowing Canada Aviron take carriage of the complaint and act as the Complainant pursuant to Section 22 below.
3. If the Independent Third Party considers that it is unnecessary to keep the Complainant’s identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the complaint. However, the Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.

**Independent Third Party Responsibilities**

1. Upon receipt of a complaint from an Individual (or Individuals), the Independent Third Party shall determine whether the complaint should be handled by the relevant Club, Provincial Rowing Association or by Rowing Canada Aviron.
2. The Independent Third Party shall make the above-mentioned determination by taking into consideration whether the incident has occurred within the Club, the Provincial Rowing Association or Rowing Canada Aviron’s business, activities or Events as described in Section 4 above. If the incident has occurred outside of the business, activities or Events of any of these organizations, the Independent Third Party will determine which organization’s relationships are adversely affected or which organization’s image or reputation will be detrimentally affected by the incident as described in Section 5 above.

1. Clubs will only handle complaints in relation to incidents that fall within their business, activities or Events, or, if the incident has occurred outside of the business, activities or Events of the Club but will adversely affect its relationships or detrimentally affect its image or reputation, if the complaint alleges any of the incidents listed in Section 17 below. Any complaints involving incidents that fall within the Club’s business, activities or Events, or outside the Club’s business, activities or Events of the Club but that adversely affect its relationships or detrimentally affect its image or reputation and that fall within Section 18 below will be handled by the Club’s Provincial Rowing Association.
2. The Independent Third Party shall direct a complaint to be managed by the Discipline Chair of a Club, Provincial Rowing Association or Rowing Canada Aviron (as applicable pursuant to Sections 15 and 16 above) if the Complainant alleges that any of the following incidents have occurred:
3. Disrespectful, abusive, racist, or sexist comments, conduct or behaviour
4. Minor incidents of physical violence
5. Conduct contrary to the values of the Member
6. Non-compliance with the Member’s policies, procedures, rules, or regulations
7. Minor violations of the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy* or Rowing Canada Aviron’s Rules of Racing
8. The Independent Third Party shall direct a complaint to be managed by the relevant Provincial Rowing Association or Rowing Canada Aviron (as applicable pursuant to Sections 15 and 16 above) if the Complainant alleges that any of the following incidents have occurred:
9. Repeated minor incidents
10. Any incident of hazing
11. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
12. Major incidents of physical violence (e.g., fighting, attacking)
13. Pranks, jokes, or other activities that endanger the safety of others
14. Conduct that intentionally interferes with a competition or with any Athlete’s preparation for a competition
15. Conduct that intentionally damages the Member’s image, credibility, or reputation
16. Consistent disregard for the Member’s bylaws, policies, rules, and regulations
17. Major or repeated violations of the *Code of Conduct and Ethics, Social Media Policy, Athlete Protection Policy* or Rowing Canada Aviron’s Rules of Racing
18. Intentionally damaging the Member’s property or improperly handling the organization’s monies
19. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
20. A conviction for any *Criminal Code* offense
21. Any possession, use, trafficking or administration of Prohibited Substances or Prohibited Methods as indicated on the version of the World Anti-Doping Agency’s Prohibited List currently in force
22. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by Rowing Canada Aviron if the Club or Provincial Rowing Association is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity.
23. The Independent Third Party may determine that the alleged incident may contain an element of discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or abuse or Maltreatment that justifies the appointment of an investigator in accordance with the *Investigations Policy* - *Discrimination, Harassment, and Maltreatment*.
24. Any determination made by the Independent Third Party pursuant to Sections 14-20 above may not be challenged by appeal or otherwise.
25. Rowing Canada Aviron or a Member may, at their discretion, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Rowing Canada Aviron or the Member (as applicable) will identify an individual to represent the organization.

**Complaint Handled by Discipline Chair**

1. Following the Independent Third Party’s determination that the complaint or incident shall be managed by a Discipline Chair pursuant to Section 17 above, the Club, Provincial Rowing Association or Rowing Canada Aviron (as applicable) will appoint a Discipline Chair. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.
2. The Discipline Chair will 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 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).
3. Each party shall have the right to receive the other party’s submissions and evidence. In the case of oral submissions, each party shall be present when such submissions are made.
4. Following receipt of the Parties’ submissions, the Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference in order to ask the Parties questions and to allow the Parties to ask questions of one another.
5. Following their review of the submissions and evidence related to the complaint or incident, the Discipline Chair shall determine if any of the incidents listed in Section 17 above have occurred and, if so, if one or more of the following sanctions should be applied:
6. Verbal or written reprimand
7. Verbal or written apology
8. Service or other contribution to Rowing Canada Aviron or the Member (as applicable)
9. Removal of certain privileges
10. Suspension from certain teams, Events, and/or activities
11. Suspension from certain activities for a designated period
12. Any other sanction considered appropriate for the offense
13. The Discipline Chair will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties’ receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Discipline Chair may render a short, written decision, either orally or in writing, followed by a written reasoned decision.
14. Any decision rendered by the Discipline Chair shall be provided to and maintained in the records of the relevant Club, Provincial Rowing Association and Rowing Canada Aviron.

**Request for Reconsideration**

1. If the Discipline Chair decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Discipline Chair by informing them, within four days of receiving the decision, that they are not satisfied with the decision and explain why.
2. If the Discipline Chair imposes a sanction, the Respondent may request a reconsideration from the Discipline Chair by informing them, within four days of receiving the decision, that they are not satisfied with the decision. In their request for reconsideration, the Respondent must indicate:
3. Why the sanction is inappropriate;
4. Any evidence to support the Respondent’s position; and
5. What penalty or sanction (if any) would be appropriate.
6. Upon receiving a request for reconsideration, the Discipline Chair shall render a decision explaining whether they have accepted the request for reconsideration and, if so, their new decision.
7. The Discipline Chair’s new decision may be appealed in accordance with the *Appeal Policy*; however, no party shall have a right to appeal unless they have exhausted their right to request a reconsideration pursuant to Sections 30 or 31 above.

**Handled by Discipline Panel**

**Case Manager**

1. If the Rowing Canada Aviron Independent Third Party determines that the complaint or incident should be handled by the relevant Provincial Rowing Association, that Provincial Rowing Association shall appoint a Case Manager to fulfil the responsibilities listed below. In such instance, any reference to Case Manager below shall be understood as a reference to the Provincial Rowing Association’s Case Manager.
2. Following the Independent Third Party’s determination that the complaint or incident should be handled by the relevant Provincial Rowing Association or Rowing Canada Aviron (as applicable) pursuant to Section 18 above, the appointed Case Manager will have the responsibility to:
	1. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
	2. Propose the use of the *Dispute Resolution Policy* (if considered appropriate in the circumstances)
	3. Appoint the Discipline Panel, if necessary
	4. Coordinate all administrative aspects and set timelines
	5. Provide administrative assistance and logistical support to the Discipline Panel as required
	6. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

1. If the Case Manager determines the complaint is:
	1. Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
	2. Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
2. The Case Manager’s decision to accept or dismiss the complaint may not be appealed.
3. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
4. After notifying the Parties that the complaint has been accepted, the Case Manager may propose that the Parties use the *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the Parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel’s members to serve as the Chair.
5. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed.
6. 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. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
7. The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
8. Copies of any written documents which the Parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
9. The Parties may engage a representative, advisor, translator, or legal counsel at their own expense
10. The Discipline Panel may request that any other individual participate and give evidence at the hearing
11. The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
12. The decision will be by a majority vote of the Discipline Panel
13. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
14. The hearing may proceed even if a party chooses not to participate in the hearing.
15. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a party to the complaint and will be bound by the decision.
16. In fulfilling its duties, the Discipline Panel may obtain independent advice.

**Decision**

1. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing’s conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, to Rowing Canada Aviron and the Member (including the Respondent’s Club). In extraordinary circumstances, the 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 decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

**Sanctions**

1. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
2. Verbal or written reprimand
3. Verbal or written apology
4. Service or other contribution to Rowing Canada Aviron or a Member
5. Removal of certain privileges
6. Suspension from certain teams, Events, and/or activities
7. Suspension from certain activities for a designated period
8. Payment of the cost of repairs for property damage
9. Suspension of funding from the organization or from other sources
10. Expulsion from the organization
11. Any other sanction considered appropriate for the offense
12. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
13. Records of all decisions will be maintained by Rowing Canada Aviron and the Member (as applicable). Members will submit all records to Rowing Canada Aviron.

**Appeals**

1. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

**Suspension Pending a Hearing**

1. Rowing Canada Aviron or the Member (as applicable) may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

**Criminal Convictions**

1. An Individual’s conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and may, if justified by the seriousness of the criminal conviction, result in expulsion from Rowing Canada Aviron or the Member (as applicable).

**Confidentiality**

1. The discipline and complaints process is confidential and involves only Rowing Canada Aviron, the applicable Member(s), the Parties, the Case Manager, the Discipline Chair, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is rendered, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings. Failure to respect the aforementioned confidentiality requirements may result in disciplinary action being taken against the party(ies) in breach.
2. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

**Timelines**

1. 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 Discipline Panel may direct that these timelines be revised.

**Records and Distribution of Decisions**

1. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

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| **Rowing Canada Aviron**Investigations Policy – Discrimination, Harassment, And MALTREATMENT |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Purpose**

1. Rowing Canada Aviron and its Members are committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment within their operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment and how Rowing Canada Aviron will lead the investigation of those reports.

**Determination and Disclosure**

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Independent Third Party will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment.
2. Rowing Canada Aviron and its Members will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

**Investigation**

1. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Independent Third Party may also appoint an investigator to investigate the allegations.
2. The investigator must be an independent third-party with training or investigation experience. The investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker 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 legislation. The investigation may include:
5. Interviews with the Complainant;
6. Witness interviews;
7. Statement of facts (Complainant’s perspective) prepared by investigator, acknowledged by the Complainant and provided to the Respondent;
8. Interviews with the Respondent;
9. Statement of facts (Respondent’s perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

**Investigator’s Report**

1. 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 the investigator’s finding of fact regarding whether, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or breach of a governing document, including, but not limited to the *Code of Conduct and Ethics*. Where necessary to protect the identity of any person that participated in the investigation, the investigator may redact names and anonymize any witness testimony that may result in the identification of the individual.
2. The investigator’s report will be provided to the Independent Third Party who will disclose it to Rowing Canada Aviron, the Complainant and the Respondent. If necessary, and at the discretion of the Independent Third Party, other relevant Parties may be provided with an executive summary of the investigator’s findings.
3. Notwithstanding the aforementioned, if the investigator has found that the incident investigated could not be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or breach of a governing document, such as the *Code of Conduct or Ethics*, the investigator shall only provide the Complainant and the Respondent with an executive summary of their findings. Rowing Canada Aviron shall, nevertheless, be provided with the full investigation report.
4. The investigation report and any executive summary shall remain confidential once disclosed to Rowing Canada Aviron, the Complainant and Respondent or any other relevant party. Any failure to respect this provision may be subject to a complaint and disciplinary measures being taken pursuant to the *Discipline and Complaints Policy*.
5. Should the investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the investigator shall advise the Complainant, Rowing Canada Aviron or the Member to refer the matter to police.
6. The investigator must also inform Rowing Canada Aviron or the Member (as applicable) of any findings of criminal activity. Rowing Canada Aviron 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 Rowing Canada Aviron or any Member(s) (as applicable), or other offences where the lack of reporting would bring Rowing Canada Aviron or the Member (as applicable) into disrepute.

**Reprisal and Retaliation**

1. An Individual who submits a complaint to Rowing Canada Aviron or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

**False Allegations**

1. An Individual who submits allegations that the investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy*. The investigator may recommend to Rowing Canada Aviron that the Individual be required to pay for the costs of any investigation that comes to this conclusion. Any Individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Rowing Canada Aviron Events, activities or business. Rowing Canada Aviron or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 13.

**Confidentiality**

1. The investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party’s identity. However, Rowing Canada Aviron and its Members recognize that maintaining confidentiality of the identity of any party may be difficult for the investigator during the investigation.

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| **Rowing Canada Aviron**Dispute Resolution Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Purpose**

1. Rowing Canada Aviron and its Members support Individuals in seeking to resolve their own conflicts and recognize that, in many cases, disputes can be resolved directly and quickly in an informal way. In situations where direct action by Individuals may be inappropriate or unsuccessful, Rowing Canada Aviron and its Members support the principles of Alternate Dispute Resolution (ADR) to resolve disputes, which can be achieved through negotiation, facilitation, and mediation. ADR avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. Rowing Canada Aviron and its Members encourage all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Rowing Canada Aviron and its Members believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

**Application of this Policy**

1. This Policy applies to all Individuals.
2. Opportunities for ADR 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.

**Facilitation and Mediation**

1. If all Parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all Parties, shall be appointed to mediate or facilitate the dispute. The costs of the mediation or facilitation shall be borne by the Parties, unless agreed to otherwise with Rowing Canada Aviron or the relevant Member (as applicable).
2. Where Rowing Canada Aviron is involved in the matter, it may, upon agreement of the Parties, refer the matter for mediation using the mediation services of the Sport Dispute Resolution Centre of Canada (SDRCC).
3. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the Parties must reach a negotiated decision.
4. Should a negotiated settlement be reached, the settlement shall be reported to Rowing Canada Aviron or the Member (as applicable). 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 approval.
5. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the Parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy,* as applicable.

**Final and Binding**

1. Any negotiated settlement will be binding on the Parties and shall remain confidential. Negotiated settlements may not be appealed.

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| **Rowing Canada Aviron**Appeal Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Purpose**

1. This *Appeal Policy* provides Individuals with a fair, affordable, and expedient appeal process.

**Scope and Application of this Policy**

1. This Policy applies to all Individuals.
2. Any Individual who is affected by a decision taken by RCA or a Member (as applicable) specifically with regard to that Individual by the Board, by any Committee of the Board or by any body or individual within RCA or the Member (as applicable) who has been delegated authority to make decisions in accordance with RCA or a Member’s By Laws and governance policies (as applicable), shall have the right to appeal that decision provided that it is a decision that is subject to appeal pursuant to Section 4 of this Policy, that the conditions indicated in Sections 6 or 7 of this Policy (as applicable) have been satisfied, and provided that there are sufficient grounds for the appeal pursuant to Section 9 of this Policy.
3. This Policy **will apply** to decisions relating to:
4. eligibility
5. selection, RCA High Performance program/National Team decisions and AAP nominations **(\*\*\*SEE NOTE IMMEDIATELY BELOW\*\*\***)
6. conflict of interest
7. discipline
8. membership

**\*\*\*IMPORTANT\*\*\* The appeal process for all RCA High Performance program/National Team decisions and AAP nomination decisions is set out in Appendix A of this *Appeal Policy*, which sets out specific timelines and procedures that are different from those indicated in this *Appeal Policy*. It is important to note that the appeal process for Member team selection or funding decisions are not governed by Appendix A and shall be administered by the relevant Member pursuant to this *Appeal Policy*, applied and modified according to the circumstances.**

1. This Policy **will not** **apply** to decisions relating to:
	1. Matters of general application such as amendments to the RCA or a Member’s By Laws;
	2. RCA or a Member’s operational structure and committee appointments;
	3. Issues of budgets and budget implementation;
	4. Employment matters or matters of operational structure or staffing or volunteer leadership opportunities;
	5. Matters relating to regattas in Canada governed by other international organizations such as the Olympic Games, Pan American Games, World Championships and similar events;
	6. Selection criteria, quotas, policies and procedures established by entities other than RCA or a Member;
	7. Substance, content and establishment of team selection criteria;
	8. The Athlete Assistance Program (AAP) policies and procedures established by Sport Canada;
	9. Policy and procedures established by any other agency, association or organization external to RCA or a Member;
	10. Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport and FISA;
	11. Protests and appeals made under the RCA Rules of Racing;
	12. Contractual matters between RCA and its staff or Members for which another dispute resolution process exists under the provisions of the applicable contract; or
	13. Settlements negotiated pursuant to the *Dispute Resolution Policy*.

**Timing of Appeal**

1. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit the following:
	1. Notice of the intention to appeal
	2. Their contact information
	3. Name of the Respondent and any Affected Parties, when known to the Appellant
	4. Date the Appellant was advised of the decision being appealed
	5. A copy of the decision being appealed, or description of the decision if a written document is not available
	6. Grounds and detailed reasons for the appeal
	7. All evidence that supports these grounds
	8. Requested remedy or remedies
	9. An administration fee of five hundred dollars ($500), which will be refunded if the appeal is upheld
2. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

**Grounds for Appeal**

1. 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:
2. Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent’s governing documents) to make;
3. Failed to follow its own procedures (as set out in the Respondent’s governing documents);
4. 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); or
5. Made a decision that was grossly unreasonable or unfair.
6. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 8 of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

**Submitting an Appeal**

**Discipline Chair Decision – Clubs**

1. A decision made by a Club Discipline Chair following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed to the Club’s Provincial Rowing Association in accordance with this *Appeal Policy*, applied and modified according to the circumstances.
2. The Provincial Rowing Association shall appoint an Appeal Manager and shall follow the process outlined in Sections 24 and following of this *Appeal Policy*, applied and modified according to the circumstances.
3. Notwithstanding the aforementioned or any provision that says otherwise in this *Appeal Policy*, the Appeal Manager may only appoint a single member Appeal Panel and, unless the Provincial Rowing Association agrees otherwise, any fees (for example, the mediator’s fees) related to the use of the *Dispute Resolution Policy* shall be the responsibility of the Parties to the appeal and not the Club or the Provincial Rowing Association.

**Discipline Chair Decision – Provincial Rowing Associations**

1. A decision made by a Provincial Rowing Association’s Discipline Chair following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed before the Rowing Canada Aviron Appeal Panel in accordance with the terms of this *Appeal Policy*.
2. Rowing Canada Aviron shall appoint an Appeal Manager and shall follow the process outlined in Sections 24 and following of this *Appeal Policy*.

**Discipline Panel Decision – Provincial Rowing Associations**

1. A decision made by a Provincial Rowing Association’s Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed before the Rowing Canada Aviron Appeal Panel in accordance with the terms of this *Appeal* *Policy*.
2. Rowing Canada Aviron shall appoint an Appeal Manager and shall follow the process outlined in Sections 24 and following of this *Appeal Policy*.

Any decision by the Rowing Canada Aviron Appeal Panel in relation to an appeal filed pursuant to Sections 13 and 15 above shall be final and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the Sport Dispute Resolution Centre of Canada (SDRCC) on a fee-for-service basis. In such circumstances, the decision being appealed to the SDRCC shall be the Provincial Rowing Association’s decision, and not the decision of the Rowing Canada Aviron Appeal Panel. If the Parties decide to seize the SDRCC on a fee-for-service basis, Rowing Canada Aviron shall be given notice of the appeal so that it may participate if it sees fit.

**Discipline Chair Decision – Rowing Canada Aviron**

1. A decision made by Rowing’s Discipline Chair following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed to the Rowing Canada Aviron Appeal Panel in accordance with the terms of this *Appeal Policy*.

**Discipline Panel Decision – Rowing Canada Aviron**

1. A decision made by Rowing Canada Aviron’s Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed to the Rowing Canada Aviron Appeal Panel in accordance with the terms of this *Appeal Policy*.

**Other decisions**

1. With the exception of Rowing Canada Aviron High Performance program/National Team decisions and AAP nomination decisions, which shall be addressed pursuant to Appendix A, any other Rowing Canada Aviron decision relating to the matters indicated in Section 4 above may be appealed in accordance with Sections 24 and following of this Policy. Member decisions relating to the matters indicated in Sections 4(a)-(c) and (e) may be appealed in accordance with Sections 24 and following of this Policy, but shall be heard by an Appeal Panel constituted by the relevant Provincial Rowing Association. Member decisions relating to the matters indicated in Section 4(d) may be heard as indicated in Sections 10-16.
2. Notwithstanding any other provision in this *Appeal Policy*, by agreement between the Parties, the internal appeal process **in relation to decisions made by Rowing Canada Aviron only** may be bypassed, and the appeal may be heard directly before the SDRCC.
3. Except where an appeal proceeds before the SDRCC, Rowing Canada Aviron or the relevant Provincial Rowing Association (as applicable) shall appoint an Appeal Manager and shall follow the process outlined in Sections 24 and following of this *Appeal Policy*.

**Dispute Resolution**

1. For appeals filed pursuant to Sections 17, 18 and 19, the Parties may first attempt to resolve the appeal through the *Dispute Resolution Policy* once the notice of the appeal, the fee, and the information required pursuant to Section 6 has been received.

**Screening of Appeal**

1. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Rowing Canada Aviron or the Provincial Rowing Association will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the Parties) who has the following responsibilities:
2. To determine if the appeal falls under the scope of this Policy (Sections 2-5)
3. To determine if the appeal was submitted in a timely manner (Sections 6 and 7)
4. To decide whether there are sufficient grounds for the appeal (Section 8)
5. If the Appeal Manager denies the appeal 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.
6. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single member, to hear the appeal. Except in cases heard pursuant to Sections 13 and 15 above, in extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three members 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.

**Determination of Affected Parties**

1. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage Rowing Canada Aviron or the Member (as applicable). The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

1. 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.
2. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
3. 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:
4. The hearing will be held within a timeline determined by the Appeal Manager
5. The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
6. 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
7. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
8. The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
9. 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
10. 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
11. The decision to uphold or reject the appeal will be by a majority vote of Panel members
12. In fulfilling its duties, the Panel may obtain independent advice.

**Appeal Decision**

1. The Panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing’s conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
2. Reject the appeal and confirm the decision being appealed
3. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
4. Uphold the appeal and vary the decision
5. Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the Parties, and the Parties’ respective financial resources
6. The Panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and Rowing Canada Aviron or the Member (as applicable). In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing’s conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

**Timelines**

1. 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.

**Confidentiality**

1. The appeals process is confidential and involves only the Parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
2. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Appeal Panel.

**Final and Binding**

1. No action or legal proceeding will be commenced against Rowing Canada Aviron, Members, or Individuals in respect of a dispute, unless Rowing Canada Aviron or the Member (as applicable) has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

**Appendix A – National Team Appeals**

**A: Selection to National Teams**

1. Invitation and Selection for National Teams may allow little time for an appeal from a decision to be heard or to give effect to a successful appeal.
2. Before appealing decisions relating to National Teams, Athletes are advised to discuss their concerns with the Program Coach within twenty four (24) hours of receipt of official notification of the original decision. If the matter cannot be resolved, the Athlete is advised to discuss their concerns with the High Performance Director within forty-eight (48) hours of receipt of official notification of the original decision. If discussions with the Director of High Performance do not resolve the matter, the appeal will be heard according to the general procedures set out in the *Appeal Policy*, amended as follows:
	1. Appeals of team invitation or selection decisions must be sent in writing to the Rowing Canada Aviron CEO as soon as possible and no later than seventy-two (72) hours of receipt of official notification of the original decision. The Rowing Canada Aviron CEO must provide the Appeal Manager with the appeal as soon as possible, and no later than 24 hours after receiving the appeal.
	2. Considering the time sensitivity of selection appeals, the appeal panel will provide its decision on team invitation or selection appeals within a time frame that enables a successful appeal to be implemented, and in any case, no later than seventy-two (72) hours of receipt of the written appeal.
	3. When rendering its decision, the appeal panel may issue a short decision, with reasons to follow.
3. Notwithstanding Section 2 above, by agreement between the Parties, the internal appeal process in relation to decisions made by Rowing Canada Aviron only may be bypassed, and the appeal may be heard directly before the SDRCC.
4. With respect to appeals regarding National Team invitation or selection decisions, it is important to note that Sections 8-9, 24-25 and 27-37 of the *Appeal Policy* shall be applied, modified according to the circumstances. Section 22 of the *Appeal Policy* may also apply if time permits.

# B: Nomination for AAP Carding

1. Before appealing decisions relating to AAP Carding nomination, Athletes are advised to discuss their concerns with the High Performance Director within twenty four (24) hours of receipt of official

notification of the original decision. Upon receipt of concerns from an Athlete regarding AAP nominations, the High Performance Director shall immediately notify the Rowing Canada Aviron CEO. If discussions with the High Performance Director do not resolve the matter, the appeal will be heard according to the general procedures set out in this Policy, amended as follows:

* 1. Appeals of AAP carding nomination decisions must be sent in writing to the Rowing Canada Aviron CEO no later than seventy-two (72) hours of receipt of official notification of the original decision. The Rowing Canada Aviron CEO must provide the Appeal Manager with the appeal as soon as possible, and no later than 24 hours after receiving the appeal.
	2. The appeal panel will provide its decision within a time frame that enables a successful appeal to be implemented, and in any case within seventy-two (72) hours of receipt of the written appeal.
	3. When rendering its decision, the appeal panel may issue a short decision, with reasons to follow.
1. Notwithstanding Section 5 above, by agreement between the Parties, the internal appeal process in relation to decisions made by Rowing Canada Aviron only may be bypassed, and the appeal may be heard directly before the SDRCC.
2. With respect to appeals regarding AAP Carding nomination decisions, it is important to note that Sections 8-9, 24-25 and 27-37 of the *Appeal Policy* shall be applied, modified according to the circumstances. Section 22 of the *Appeal Policy* may also apply if time permits.

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| **Rowing Canada Aviron**Social Media Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
| Approved by and date |  |
| Appendix(-ces) to this Policy |  |

**Preamble**

1. Rowing Canada Aviron and its Members are aware that Individual interaction and communication occurs frequently on social media. Rowing Canada Aviron and its Members caution Individuals that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

**Application of this Policy**

1. This Policy applies to all Individuals as defined in the Definitions.

**Conduct and Behaviour**

1. The following social media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:
	1. Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, at Rowing Canada Aviron, at a Member, or at other individuals connected with Rowing Canada Aviron or its Members
	2. Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at an Individual, at Rowing Canada Aviron, at a Member, or at other individuals connected with Rowing Canada Aviron or its Members
	3. Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Rowing Canada Aviron or its Members, their stakeholders, or their reputation
	4. Inappropriate personal or sexual relationships over a social medium between Individuals who have a power imbalance in their interactions, such as between Athletes and coaches, Directors and Officers, Committee members and staff, umpires, officials and Athletes, etc.
	5. Any instance of cyber-bullying or cyber-harassment between one Individual and another Individual, 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 or unwelcome behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
2. All conduct and behaviour occurring on social media may be the subject of a complaint pursuant to the *Discipline and Complaints Policy*.

**Individuals’ Responsibilities**

1. Individuals acknowledge that their social media activity may be viewed by anyone, including Rowing Canada Aviron, Members or other Individuals.
2. If Rowing Canada Aviron or a Member unofficially engages with an Individual in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask Rowing Canada Aviron or the Member to cease this engagement.
3. When using social media, an Individual must model appropriate behaviour befitting the Individual’s role and status in connection with Rowing Canada Aviron or the Member.
4. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the *Discipline and Complaints Policy.*
5. An Individual who believes that another Individual’s social media activity is inappropriate or may violate the policies and procedures of Rowing Canada Aviron or a Member should report the matter in the manner outlined by the *Discipline and Complaints Policy*.

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| **Rowing Canada Aviron**Screening Policy |

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| Effective date |  |
| Date last reviewed |  |
| Scheduled review date |  |
| Replaces and/or amends |  |
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| Appendix(-ces) to this Policy |  |

**Preamble**

1. Rowing Canada Aviron and its Members understand 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 Canadian rowing community.

**Application of this Policy**

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

*Level 1 – Low Risk* - Individuals 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 Individuals. Examples:

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

*Level 2 – Medium Risk* – Individuals 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 Individuals. Examples:

1. Athlete support personnel
2. Non-coach employees or managers
3. Directors
4. Coaches who are typically under the supervision of another coach
5. Umpires

*Level 3 – High Risk* – Individuals 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 Individuals. Examples:

1. Full time coaches
2. Coaches who travel with Athletes
3. Coaches who could be alone with Athletes

**Screening Committee**

1. The implementation of this policy is the responsibility of the Screening Committee which is a committee composed of either one (1) or three (3) members. Rowing Canada Aviron and its Members will ensure that the members appointed to their respective Screening Committees possess the requisite skills, knowledge and abilities to accurately assess screening documents and to render decisions under this Policy.
2. The Screening Committee will carry out its duties in accordance with the terms of this Policy and may be a sub-committee of Rowing Canada Aviron or the Member’s Board.
3. 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 Rowing Canada Aviron or the Member, as applicable. 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.

**Screening Requirements**

1. A Screening Requirements Matrix is provided as **Appendix A**.
2. It is the policy of Rowing Canada Aviron and its Members that when an individual is first engaged by the organization:
3. Level 1 individuals will:
	* 1. Complete an Application Form
		2. Complete a Screening Disclosure Form
		3. Participate in training, orientation, and monitoring as determined by the organization
4. Level 2 individuals will:
	* 1. Complete an Application Form
		2. Complete a Screening Disclosure Form
		3. Complete and provide an E-PIC
		4. Provide one letter of reference related to the position
		5. Participate in training, orientation, and monitoring as determined by the organization
		6. Provide a driver’s abstract, if requested
5. Level 3 individuals will:
	* 1. Complete an Application Form
		2. Complete a Screening Disclosure Form
		3. Complete and provide an E-PIC and a VSC
		4. Provide one letter of reference related to the position
		5. Participate in training, orientation, and monitoring as determined by the organization
		6. Provide a driver’s abstract, if requested
6. If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to Rowing Canada Aviron or the Member, as applicable. Additionally, the individual will inform the organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
7. If Rowing Canada Aviron or the Member 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 the *Discipline and Complaints Policy.*

**Young People**

1. Rowing Canada Aviron and its Members define a young person as someone who is younger than 18 years old. When screening young people, Rowing Canada Aviron and its Members will:
2. Not require the young person to obtain a VSC or E-PIC; and
3. In lieu of obtaining a VSC or E-PIC, require the young person to submit up to two (2) additional letters of reference.
4. Notwithstanding the above, Rowing Canada Aviron or a Member may ask a young person to obtain a VSC or E-PIC if the organization suspects the young person has an adult conviction and therefore has a criminal record. In these circumstances, the organization will be clear in its request that it is not asking for the young person’s youth record. Rowing Canada Aviron and its Members understand that they may not request to see a young person’s youth record.

**Renewal**

1. 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:
2. An E-PIC every three years
3. A Screening Disclosure Form every three years
4. A Screening Renewal Form every year
5. A Vulnerable Sector Check once
6. The Screening Committee may request that an individual provide any of the above documents at any time. Such request will be in writing and reasons will be provided for the request.

**Orientation, Training, and Monitoring**

1. The type and amount of orientation, training, and monitoring will be based on the individual’s level of risk, at the discretion of Rowing Canada Aviron or the Member, as applicable.
2. 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.
3. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
4. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training.
5. 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**

1. Rowing Canada Aviron has joined the Coaching Association of Canada’s Responsible Coaching Movement and therefore has access to the E-PIC at a discounted rate. Individuals can obtain an E-PIC via <https://www.sterlingtalentsolutions.ca/landing-pages/c/cac_ace/>
2. For Ontario-based organizations, Rowing Canada Aviron and its Members understand 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.
3. For BC-based organizations and/or individuals located in BC, Rowing Canada Aviron and its Members understand that the process for obtaining a Criminal Record Check is different than in other provinces and territories and that 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**](https://www.viasport.ca/free-criminal-records-checks)
4. Individuals 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.
5. Fingerprinting may be required if there is a positive match with the individual’s gender and birth date.
6. Rowing Canada Aviron and its Members understand that they may be required to assist an individual with obtaining a VSC. A Request for VSC (**Appendix E**) may need to be submitted or other documentation may need to be completed that describes the nature of the organization and the individual’s role with vulnerable individuals.

**Procedure**

1. Screening documents must be submitted to the Screening Committee.
2. 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.
3. Rowing Canada Aviron and its Members understand that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, the organization may permit the individual to participate in the role during the delay. This permission may be withdrawn at any time and for any reason.
4. Rowing Canada Aviron and its Members recognize 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.
5. Following the review of the screening documents, the Screening Committee will decide:
6. The individual has passed screening and may participate in the desired position;
7. The individual has passed screening and may participate in the desired position with conditions;
8. The individual has not passed screening and may not participate in the desired position; or
9. More information is required from the individual.
10. 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.
11. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:
12. If imposed in the last three years:
	* 1. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
		2. Any offense for trafficking and/or possession of drugs and/or narcotics
		3. Any offense involving conduct against public morals
13. If imposed in the last ten years:
14. Any crime of violence including but not limited to, all forms of assault
15. Any offense involving a minor or minors
16. Any offense involving theft or fraud
17. If imposed at any time:
	* 1. An individual’s conviction for any of the following *Criminal Code* offenses:
18. Any offense of physical or psychological violence
19. Any crime of violence including but not limited to, all forms of assault
20. Any offense involving trafficking of illegal drugs
21. Any offense involving the possession, distribution, or sale of any child-related pornography
22. Any sexual offense

**Conditions and Monitoring**

1. 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**

1. 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.
2. The records kept as part of the screening process include but are not limited to:
3. An individual’s Vulnerable Sector Check
4. An individual’s E-PIC (for a period of three years)
5. An individual’s Screening Disclosure Form (for a period of three years)
6. An individual’s Screening Renewal Form (for a period of one year)
7. Records of any conditions attached to an individual’s registration by the Screening Committee
8. Records of any discipline applied to any individual by Rowing Canada Aviron, by a Member, or by another sport organization
1. Members are RCA’s Rowing Organizations, including Rowing Clubs, Specials Associations and Provincial Rowing Associations [↑](#footnote-ref-2)