

## BRITISH COLUMBIA UNIVERSAL CODE OF CONDUCT (BC UCC)

### 1 PURPOSE

- 1.1 The British Columbia sport sector is committed to advancing a respectful sport culture that delivers quality, inclusive, welcoming and safe sport experiences.
- 1.2 The BC UCC incorporates the key elements of the Universal Code of Conduct to Prevent and Address *Maltreatment* in Sport (UCCMS) in place at the national level and outlines expected and *Prohibited Behaviours* of conduct in sport in B.C.

### 2 GENERAL PRINCIPLES AND COMMITMENT

- 2.1 Sport organizations in British Columbia are committed to creating a sport environment that is accessible, inclusive, respects their *Participants* personal goals and is free from all forms of *Maltreatment*. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.
- 2.2 *Maltreatment* is unacceptable and fundamentally incompatible with the core values that lie at the heart of Canadian sport. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders:
  - 2.2.1 All *Participants* in sport can expect to play, practice, compete, work, and interact in an environment free from *Maltreatment*.
  - 2.2.2 All *Participants* recognize that *Maltreatment* can occur regardless of race, sex, gender identity, gender expression, sexual orientation, age, class background, ability, and religion. Moreover, it is recognized that those from marginalized groups have increased vulnerability to experiences of *Maltreatment*.
  - 2.2.3 All *Participants* recognize that persons who have experienced *Maltreatment* may experience a range of effects that may emerge at different times and that can profoundly affect their lives.
  - 2.2.4 Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participants*, sport stakeholders, sport club administrators and organization leaders.

### 3 DEFINITIONS

- 3.1 Boundary Transgressions: interactions or communications that breach reasonable boundaries between *Participants* and are inconsistent with duties/responsibilities of the individual. See section 6.8.

- 3.2 Consent: the voluntary agreement to engage in the sexual activity in question, by a person who has the legal capacity to consent. See section 6.6.
- 3.3 Criminal Code: The Criminal Code of Canada (Criminal Code, R.S.C. 1985, c. C-46, as amended).
- 3.4 Disclosure: The sharing of information by a *Participant* regarding an incident or a pattern of *Maltreatment* experienced by that *Participant*, including a breach of reasonable boundaries. *Disclosure* does not constitute a formal *Report* to initiate a conduct review process.
- 3.5 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. See section 6.9.
- 3.6 Duty to Report: The Child, Family and Community Service Act requires that anyone who has reason to believe that a *Minor* has been or is likely to be abused or *Neglected*, and that the parent is unwilling or unable to protect the *Minor*, must *Report* the suspected abuse or *Neglect* to a child welfare worker.
- 3.7 Federated Sport: All activities organized by a viaSport Accredited Provincial Sport Organization (PSO) and/or its members, or by a viaSport Accredited Disability Sport Organization (DSO) and/or its members, or by a viaSport Accredited Multi-Sport Organization (MSO) and/or its members.
- 3.8 Grooming: Deliberate conduct by a *Participant* to sexualize a relationship with a *Participant*, most commonly but not exclusively with a *Minor* or *Vulnerable Participant*. See section 6.7.
- 3.9 Maltreatment: A volitional act or omission that results in harm or has the potential for physical or psychological harm<sup>1</sup> described in Sections 6.3-6.7.
- 3.10 Minor: An individual who is under the age of majority. In British Columbia, a *Minor* is an individual under 19 years old. It is at all times the responsibility of the adult *Participant* to know the age of a *Minor*.
- 3.11 Neglect: Any pattern or a single incident of lack of reasonable care, inattention to a *Participant's* needs, nurturing or well-being, or omissions in care. See section 6.5.
- 3.12 Participant: Any individual who is subject to the BC UCC. *Participants* may become subject to the BC UCC by various means: Individuals (athletes, coaches, officials, volunteers, administrators, directors, trainers, etc) through membership in a *Federated Sport* organization and/or by signing an express contract accepting the jurisdiction of the BC UCC. This could include A parent or legal guardian of a *Minor* registered in a *Federated Sport* in British Columbia becomes a *Participant* and

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<sup>1</sup> Crooks, C. V., & Wolfe, D. A. (2007). Child abuse and neglect. In E. J. Mash & R. A. Barkley (Eds.), *Assessment of childhood disorders* (pp. 639-684). New York, NY, US: Guilford Press.

is therefore subject to the BC UCC.

- 3.13 Physical Maltreatment: any pattern or a single incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Participant*. See section 6.4.
- 3.14 Power Imbalance: A *Power Imbalance* is presumed to exist where a person has authority or control over a *Participant*, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the *Participant*. Whether an actual *Power Imbalance* exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate *Participant*. *Maltreatment* occurs when the *Power Imbalance* is misused.
- 3.14.1 Once a coach-athlete relationship is established, a *Power Imbalance* exists throughout the coach-athlete relationship, regardless of the age of the athlete, and is presumed to continue for *Minor* athletes after the coach-athlete relationship terminates or until the athlete reaches 25 years of age.
- 3.14.2 A *Power Imbalance* may exist, but is not presumed, where an intimate relationship existed between two adult *Participants* before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between *Consenting* adults that preceded the sport relationship).
- 3.14.3 A presumption that *Power Imbalance* exists may be rebutted.
- 3.14.4 A *Power Imbalance* may arise whether the *Participants* are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete; and 3) a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
- 3.14.5 Power may be represented by seniority, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples.
- 3.14.6 *Maltreatment* occurs when this power is misused. Moreover, it is recognized that those from traditionally marginalized groups have experienced positions of lesser power.
- 3.15 Prohibited Behaviour: Any of the conduct described in Section 6, including but not limited to *Maltreatment*.
- 3.16 Psychological Maltreatment: Any pattern or a single incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Participant*. See section 6.3.

- 3.17 Reporting (or Report): The provision of information in writing by a *Participant* or by any person to a relevant independent authority, regarding *Prohibited Behaviour*. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the *Prohibited Behaviour*, or (ii) a witness – someone who witnessed the *Prohibited Behaviour* or otherwise knows or ought to have known of *Prohibited Behaviour* or a risk of *Prohibited Behaviour*.
- 3.18 Sexual Maltreatment: Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, in person or by electronic means and that has the potential to be harmful to the sexual integrity of a *Participant*. See section 6.6.
- 3.19 Vulnerable Participant: Persons at increased risk of *Maltreatment* and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. *Vulnerable Participants* include persons who are not able to provide informed *Consent*.

#### 4 SCOPE OF APPLICATION

- 4.1 Context of Participation: The BC UCC applies to all sport activities and related events organized by *Federated Sport* organizations in B.C., including but not limited to practices, training sessions, competitions, and fundraising events.
- 4.2 Individual Subject to and Protected by the BC UCC: The BC UCC applies to all *Participants* active in *Federated Sport*. *Participants*, especially those in positions of trust or authority, are responsible for knowing what constitutes a *Prohibited Behaviour*. They shall also recognize that the categories of *Maltreatment* are not mutually exclusive, nor are the examples provided in each category an exhaustive list.
- 4.3 Context in which the BC UCC is in Effect: The BC UCC applies to any of the *Prohibited Behaviours* described herein, provided the *Prohibited Behaviour* occurs in any one or a combination of the following situations:
  - 4.3.1 Within a *Federated Sport* environment;
  - 4.3.2 When the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in *Federated Sport* activities;
  - 4.3.3 When the *Participants* involved interacted due to their mutual involvement in *Federated Sport*; or
  - 4.3.4 Outside of the *Federated Sport* environment where the *Prohibited Behaviour* has a serious and detrimental impact on another *Participant* or could undermine the integrity of sport or bring *Federated Sport* into disrepute.
  - 4.3.5 The physical location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.
- 4.4 Sport-Specific Considerations: The BC UCC acknowledges that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition. However, as the BC UCC does not address rules of the game, any relevant

sport-specific differences will be considered during an investigative or disciplinary review processes.

- 4.5 Amendments: The BC UCC may be amended from time to time by viaSport BC and amendments shall be published at least 2 months before entering into effect.

## 5 RESPONSIBILITIES

5.1 Every *Participant* in sport has a responsibility to:

- 5.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all *Participants*.
- 5.1.2 Treat others with respect and dignity.
- 5.1.3 Demonstrate the spirit of sportsmanship, leadership and ethical conduct.
- 5.1.4 Demonstrate respect for the diversity of *Participants*. Act to correct or prevent practices that are unjustly discriminatory.
- 5.1.5 Treat individuals fairly and reasonably.
- 5.1.6 Ensure adherence to the rules of the sport and the spirit of the rules.
- 5.1.7 Immediately *Disclose or Report* any acts or suspicions of *Maltreatment* or other inappropriate behaviours.
- 5.1.8 Foster meaningful inclusion of all individuals.
- 5.1.9 Accept and consider feedback with respect to their own actions and take positive steps to resolve.
- 5.1.10 Establish, respect and maintain appropriate boundaries with *Participants*.
- 5.1.11 Ensure all interactions and communications are consistent with the role of the *Participant* in relation to the sport, and carried out in a way that is transparent to other *Participants* and promotes the concept of individual accountability.
- 5.1.12 Monitor their own behaviours and the behaviours of others.
- 5.1.13 Treat all *Disclosures*, allegations or suspicions of *Maltreatment* seriously.
- 5.1.14 Identify and engage in conversations that lead to positive behaviour change.
- 5.1.15 Abstain from all forms of *Prohibited Behaviours*.

5.2 All *Participants* in a position of trust or authority have a responsibility to:

- 5.2.1 Protect the health and well-being of all other *Participants*.
- 5.2.2 Prevent or mitigate opportunities for *Maltreatment* and other *Prohibited Behaviours*.
- 5.2.3 Respond to incidents of *Maltreatment* involving *Minors* and other *Vulnerable Participants*.
- 5.2.4 Incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to *Discriminatory* practices.
- 5.2.5 Recognize when you are in a position of *Power Imbalance*.

## 6 PROHIBITED BEHAVIOURS

- 6.1 It is a violation of the BC UCC for a *Participant* to engage in the behaviours described in this section. What matters for the assessment of the *Maltreatment* is whether the conduct falls into

one or more of the categories, not into which category it falls.

6.2 *Participants* in violation of the BC UCC are subject to investigation and disciplinary review processes outlined in the sport organization’s Discipline and Complaints Policy (or equivalent).

### 6.3 Psychological Maltreatment

6.3.1 *Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support

- a) Verbal Conduct: verbally assaulting or attacking someone, including in online forms: unwarranted personal criticisms; body shaming; derogatory comments related to one’s identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person’s reputation; using confidential sport and non-sport information inappropriately.
- b) Non-assaultive physical conduct: forms of physically aggressive behaviours such as throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
- c) Conduct that denies attention or support: forms of lack of support or isolation such as ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same]

6.3.2 *Psychological Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.<sup>2</sup>

### 6.4 Physical Maltreatment

6.4.1 *Physical Maltreatment* includes, without limitation, contact or non-contact infliction of physical harm.

- a) Contact behaviours: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic interventions with no specific training or expertise.
- b) Non-contact behaviours: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access

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<sup>2</sup> (i) Stirling, A. (2009). Definition and constituents of maltreatment in sport: Establishing a conceptual framework for research practitioners. *British Journal of Sports Medicine*, 43(14), 1091-9. And (ii) Safe Sport Code for U.S. Olympic and Paralympic Movements. (2019). U.S. Center for Safe Sport.

to a toilet; providing alcohol to a *Minor Participant*; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or knowingly permitting an athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an athlete to perform a skill for which the *Participant* knows or ought to know that the athlete is not developmentally ready.

6.4.2 *Physical Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.<sup>3</sup>

## 6.5 Neglect

6.5.1 *Neglect* is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the *Participant's* needs and requirements, not whether harm is intended or results from the behaviour.<sup>4</sup>

6.5.2 Examples of *Neglect* include without limitation: not providing an athlete recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing an athlete to disregard sport's rules, regulations, and standards; subjecting *Participants* to the risk of *Maltreatment*.

## 6.6 Sexual Maltreatment

6.6.1 *Sexual Maltreatment* includes, but is not limited to,

- a) any non-Consensual touching of a sexual nature and/or the *Criminal Code* offence of sexual assault.
- b) participating in, forcing or coercing a person into sexual acts or performing acts on a person that violates their sexual integrity (e.g. hazing). *Criminal Code* offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence.

6.6.2 Sexual harassment, which is defined as any comment or conduct of a sexual nature that is unwelcome or that would be objectively perceived as unwelcome by an outside observer, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a *Participant's* sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.

6.6.3 *Sexual Maltreatment* can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



- 6.6.4 *Sexual Maltreatment of a Minor* is any *Sexual Maltreatment* against a *Minor*. It includes the items described in 6.6.1 above and also includes, but is not limited to the *Criminal Code* offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a *Minor* through prostitution. *Sexual Maltreatment of a Minor* is not limited to acts that involve physical contact<sup>5</sup> but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a *Minor*, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a *Minor*. It also includes any offence related to child pornography as that term is defined in the law in Canada.
- 6.6.5 It is also prohibited for a *Participant* to create, possess, make available or distribute images that sexualize a *Minor*, or that contain nudity of a *Minor*. For the sake of clarity, it shall not constitute a violation in and of itself for a *Minor Participant* to create, possess, make available or distribute images of themselves.
- 6.6.6 *Sexual Maltreatment of a Minor* where there is a *Power Imbalance*. For greater certainty and without detracting from the breadth of the acts identified in Sections 6.6.1 and 6.6.2 above, sexual acts or communications (electronic or otherwise) between any *Participant* with another *Participant* where there is a *Power Imbalance* are prohibited.
- 6.6.7 Additional examples of *Sexual Maltreatment* include:
- a) Any sexual solicitation or advance made in the context of a relationship that involves a *Power Imbalance* where the person making the solicitation or advance has more power and knows or ought reasonably to know that it is unwelcome.
  - b) Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person who has more power in the context of a relationship that involves a *Power Imbalance*, or if the person to whom the solicitation or advance is made is a *Minor*;
  - c) Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked of a *Minor* or *Vulnerable Participant*;
  - d) Sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or where the object of the attention is a *Minor*. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be objectively perceived by another person as being sexual in nature, practical jokes based on sex; intimidating sexual remarks, propositions, invitations or familiarity.
  - e) Unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.

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<sup>5</sup> Ibid.



- 6.6.8 The law in Canada focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their *Consent*, whether through words or conduct. Silence or passivity does not equal *Consent*. Sexual activity is only legal when both parties *Consent*. The *Criminal Code* also says there is no *Consent* when:
- a) Someone says or does something that shows they are not *Consenting* to an activity;
  - b) Someone says or does something to show they are not agreeing to continue an activity that has already started;
  - c) Someone is incapable of *Consenting* to the activity, because, for example, they are unconscious;
  - d) The *Consent* is a result of someone abusing a position of trust, power or authority or someone *Consents* on someone else's behalf.
- 6.6.9 A person cannot say they mistakenly believed a person was *Consenting* if:
- a) That belief is based on their own intoxication;
  - b) They were reckless about whether the person was *Consenting*;
  - c) They chose to ignore things that would tell them there was a lack of *Consent*; or
  - d) They didn't take proper steps to check if there was *Consent*.<sup>6</sup>
- 6.6.10 *Minors* cannot *Consent* under the following circumstances:
- a) *Minors* under 12 cannot *Consent* to any sexual activity.
  - b) *Minors* between the ages of 12 and 15 have a limited capacity to *Consent* with similar-age peers (with exceptions); and
  - c) *Minors* over 16 also cannot *Consent* in certain circumstances.
  - d) No *Minors* under the age of 18 has the capacity to *Consent* in the context of a relationship where there is a *Power Imbalance* (eg -coach-athlete ).
- 6.6.11 The responsibility for ensuring there is *Consent* is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that *Consent* now exists.
- 6.6.12 No one can legally *Consent* in advance to sexual activity in the future when they will be unconscious.
- 6.6.13 No one can legally *Consent* to sexual activity where they will suffer bodily harm, such as activity that will cause serious bruises, stitches or broken bones.

## 6.7 Grooming

- 6.7.1 *Grooming* may be conduct that precedes other behaviours defined as *Sexual Maltreatment*, or is carried out in conjunction with other forms of *Sexual Maltreatment*.<sup>7</sup> Repeated *Boundary Transgressions* by a *Participant* toward a *Minor* or *Vulnerable Participant* may also be deemed to be *Grooming*, even in the absence of deliberate intention to facilitate a sexual relationship.

<sup>6</sup> *Criminal Code*, R.S.C. 1985, c. C-46, [s. 273.1(1)]

<sup>7</sup> Commit to Kids. Helping Organizations Prevent Child Sexual Abuse. Canadian Centre for Child Protection. <https://commit2kids.ca/en/>

- 6.7.2 In assessing whether *Grooming* has occurred, the existence of a *Power Imbalance* should be taken into account.
- 6.7.3 *Grooming* is a term used to describe a process that is engaged in by an individual and can be comprised of one or several acts that, viewed objectively, make it easier to either engage in *Sexual Maltreatment* or reduce the chance that *Sexual Maltreatment* will be *Reported*. The process is often gradual and involves building trust and comfort with a young person, and sometimes also with the protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (e.g., seemingly accidental touching) that gradually escalates to *Sexual Maltreatment* (e.g. sexualized touching). It is acknowledged that many victims/survivors of sexual abuse do not recognize the *Grooming* process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

## 6.8 Boundary Transgressions

- 6.8.1 It may be the case that a particular act or communication does not meet the threshold of any of the types of *Maltreatment*, but is an act or communication that is nonetheless viewed as inappropriate. Even if the act in question does not, on its own, objectively cause harm to another person, a *Boundary Transgression* is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport.
- 6.8.2 Recognizing that there may be a need to be flexible in the way in which such *Boundary Transgressions* are addressed, a *Boundary Transgression* may trigger a process whereby the circumstances are reviewed and potentially resolved informally or a formal conduct review is initiated.
- 6.8.3 Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the *Participant* in the event future *Boundary Transgressions* occur.
- 6.8.4 The concept of *Boundary Transgressions* is intended to be broad in scope. By way of example and not limitation, a *Boundary Transgression* may be a circumstance where:
- a) one person uses contact information available to the person for the purpose of sport, to make contact with a person for a purpose that is not related to sport;
  - b) a *Participant* uses or attempts to use a line of communication with another *Participant* that is not within the typical communication channels;
  - c) communicating privately with a *Minor* through social media or text;
  - d) sharing personal photographs;
  - e) shared use of locker rooms;
  - f) one-on-one meetings that are not held in an open and observable environment;
  - g) private travel or transportation,
  - h) and providing personal gifts

## 6.9 Discrimination

6.9.1 The following are examples of discriminatory practices if they are based on one or more of the grounds of *Discrimination within the definition (see section 3.5)*

- a) Denying someone access to sport
- b) Treating a *Participant* unfairly
- c) Communicating hate messages or unwelcome remarks or jokes

#### 6.10 Subjecting a Participant to the Risk of Maltreatment

6.10.1 It is a violation for sport administrators or other sport decision-makers in positions of authority to place *Participants* in situations that they know or ought to have known make the *Participant* vulnerable to *Maltreatment*.

6.10.2 Examples of subjecting a *Participant* to the risk of *Maltreatment*: instructing an athlete and coach to share a hotel room when traveling, hiring a coach who has a past history of athlete *Maltreatment*, assigning guides and other support staff to a para-athlete when the guide or support staff has a reputation for athlete *Maltreatment* or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.

#### 6.11 Aiding and Abetting

6.11.1 Aiding and Abetting is any act taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of *Maltreatment* by or against a *Participant*.

6.11.2 Aiding and Abetting also includes, without limitation, knowingly allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct *Participants*; providing any coaching-related advice or service to an athlete who has been suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.

#### 6.12 Failure to Report

6.12.1 Failure to *Report* possible *Maltreatment, Prohibited Behaviour* or *Boundary Transgressions* toward a *Minor*:

- a) Notwithstanding the legal *Duty to Report* child abuse and *Neglect* under Canadian child welfare laws in Canada, it is a violation for an adult *Participant* to fail to *Report* possible *Maltreatment, Prohibited Behaviour* or *Boundary Transgression* toward a *Minor* if the adult *Participant* knew or ought to have known that it is occurring. The obligation includes *Reporting*, on a timely basis, any and all relevant information of which an adult *Participant* becomes aware.
- b) Known or suspected abuse or *Neglect* of a child by a parent must be *Reported* to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial social service ministries or departments, or local police. In addition, where abuse or *Neglect* by a third party is known or suspected, and the child’s parent is unwilling or unable to protect the child, it must be *Reported* to: local child welfare services (e.g., children’s aid society or child and family services agency), or provincial social service ministries or departments, or local police. A *Participant*

should not investigate or attempt to evaluate the credibility or validity of an allegation of *Prohibited Behaviour*. A *Participant* making a good faith *Report* is not required to prove the *Report* is true before *Reporting*. To *Report* Child Abuse in B.C. call 1-800-663-9122.<sup>8</sup>

6.12.2 Failure to *Report* possible *Maltreatment*, *Prohibited Behaviour* or *Boundary Transgressions* toward an adult *Participant*

- a) It is a violation for any *Participant* who knew or ought to have known of another *Participant*'s inappropriate conduct to fail to *Report* such conduct, even if it is not defined as *Maltreatment*. Those in positions of trust or authority who become aware of a *Participant*'s *Boundary Transgression*(s) have an enhanced responsibility for *Reporting* the concern through the relevant channels. A *Participant* who fails to *Report* may be subject to disciplinary action
- b) The person making the *Report* does not need to determine whether a violation took place: instead, the responsibility lies in *Reporting* the objective behaviour. Early intervention is required to prevent such escalation, hence the obligation on all *Participants* to *Report*.

6.13 Intentionally Filing a False Allegation

6.13.1 It is a violation to file a knowingly false allegation, or influence another to file a knowingly false allegation, that a *Participant* engaged in *Maltreatment*. An allegation is false if the events *Reported* did not occur, and the person making the *Report* knows the events did not occur.

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

6.14 Interference with or Manipulation of Process

6.14.1 It is a violation of the BC UCC for a *Participant* to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:

- a) knowingly falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) destroying or concealing information with the intent to interfere with or influence the outcome of the resolution process;
- c) attempting to discourage a person's proper participation in or use of the processes;
- d) harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings;
- e) failing to comply with any temporary or provisional measure or final sanction; or

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<sup>8</sup> <https://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/reporting-child-abuse>

- f) influencing or attempting to influence another person to interfere with or manipulate the process.
- 6.14.2 All *Participants* are expected to act in good faith throughout any investigation or disciplinary review process, and the sole purpose of Section 6.14 is to provide a means to discipline those who do not. In recognition that a victim/survivor, of sexual abuse in particular, may conceal information out of embarrassment, shame or to protect the perpetrator. Absent demonstrable bad faith, minimizing or concealing in such circumstances is not a BC UCC violation.
- 6.15 Retaliation
- 6.15.1 A *Participant* shall not take an adverse action against any person for making a good faith *Report* of possible *Prohibited Behaviour* or for participating in any process.
  - 6.15.2 Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review processes. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no *Prohibited Behaviour* occurred. Retaliation does not include good-faith actions lawfully pursued in response to a *Report* of possible *Prohibited Behaviour*.