

COMMONWEALTH GAMES CANADA CONDUCT POLICY

PURPOSE

Commonwealth Games Canada (CGC) is committed to ensuring and maintaining a respectful and courteous environment, free from non-appropriate behaviour for everyone involved.

SCOPE

This Policy applies to the conduct of any persons engaged with Commonwealth Games Canada (CGC), including but not limited to, all employees, visitors, contractors, volunteers and suppliers.

CGC has zero tolerance for any form of harassment, or discrimination nor bullying and has implemented mandatory training and education for all employees, Board of Directors, Personnel Committee Members and the Mission Staff when appointed.

POLICY

1. Expected Standard of Ethical Conduct

All Individuals of CGC are expected to:

- a) Demonstrate through words and actions the spirit of sportsmanship, sports leadership, and ethical conduct.
- b) Treat others with respect and refrain from negative or disparaging remarks or conduct.
- c) Not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of CGC. For the purposes of this policy, conflict of interest is defined as “a situation where an Individual, or the entity with which he or she is affiliated, has a real or perceived competing interest with CGC’s activities. This competing interest may result in the Individual, or the entity with which the Individual is affiliated, being in a position to benefit from the situation or in CGC not being able to achieve a result which would be in the best interest of CGC”. When a “conflict of interest” situation arises, it should be declared and the Individual is to abstain from further discussion or voting on that topic.
- d) Not be part of nor participate in any behaviour that constitutes harassment. Harassment is defined as improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on

- race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status, family status, disability and pardoned conviction).
- e) Not be part of nor participate in any that constitutes sexual harassment, where sexual harassment is defined as unwelcome sexual advances or conduct of a sexual nature: when submitting to or rejecting this conduct influences decisions which affect the individual: and where such conduct has the purpose or effect of diminishing performance, or creates an intimidating, hostile or offensive environment. Harassment is considered to be present when the individual has been warned but continues to act in the same manner.
 - f) Not be part of nor participate in any behaviour that is discriminatory. Discrimination is defined as negative, prejudiced, biased or less than equal treatment. Discrimination can include age, race, national or ethnic origin, colour, religion, ancestry, creed, gender, family status, marital status, pardoned convictions, mental or physical disability, sexual orientation and any other discrimination prohibited by law.
 - g) Not be part of nor participate in any behaviour that is considered bullying. Bullying is usually seen as acts or verbal comments that could “mentally” hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.
 - h) Comply at all times with the bylaws, policies, rules, and regulations of CGC, as adopted and amended from time to time, including complying with any contracts or agreements executed with or by CGC.
 - i) Report any incident, in a timely manner, even if the individual is not directly involved in an incident but who is a witness to any incident that contravenes the bylaws, policies, rules and regulations of CGC has a duty to report the incident.

2. Gifts, Entertainment, Benefits

Commonwealth Games Canada Participants shall not, directly or indirectly, solicit, accept or offer any form of remuneration or commission, nor any concealed benefit or service of any nature, connected with the organisation of the Commonwealth Games.

Only gifts of nominal value, in accordance with prevailing local customs, may be given or accepted by the Commonwealth Games Canada Participants, as a mark of respect or friendship. Any other gift must be passed onto the organisation of which the beneficiary is a member.

The hospitality shown to Commonwealth Games Canada Participants and the persons accompanying them shall not be excessive.

3. Types of Infractions

- a) Failure by an Individual to achieve the expected standard set out above may result in an infraction and the imposition of disciplinary measures. Infractions are divided into two types, minor infractions and major infractions, which are dealt with using different procedures.
- b) **Minor infractions** are single incidents of breaching the standards of conduct that generally do not result in significant harm to others. Examples of minor infractions include, but are not limited to:
 - i) single instances of disrespectful comments or behaviour directed towards others;
 - ii) single instances of non-compliance with the policies and rules of CGC.
- c) All disciplinary situations involving minor infractions shall be reported to and dealt with by the person with the appropriate authority: who may include, but is not limited to, a board member or senior staff member.
- d) **Major infractions** are instances of misconduct that result, or have the potential to result, in significant harm to other persons, to CGC. Examples of major infractions include, but are not limited to:
 - i) repeated minor infractions;
 - ii) activities that endanger the safety of others;
 - iii) deliberate disregard for the policies and rules of CGC;
 - iv) conduct that intentionally damages the image, credibility or reputation of CGC, including entering into a conflict of interest;
 - v) behaviour that constitutes harassment, sexual harassment, or sexual misconduct.
- e) Major infractions will be reviewed and decided using the disciplinary procedures set out in this policy.

PROCEDURES

1. Reporting an Infraction

Note: In this policy, “days” shall mean total days irrespective of weekends or holidays.

- a) Persons reporting infractions under this Policy are encouraged to submit their report of an infraction (or “complaint”) together with a brief summary of the subject matter of the complaint, in a timely manner, to a “Responsible Body”. A “Responsible Body”, may be an individual and depending on circumstances may include: a manager, the CEO, a member of the Board of Directors, or a Personnel Committee member. If the complaint is about the CEO, it should be brought forward to a member of the Personnel Committee or the Board of Directors. Unless they are also a subject to the complaint the President and Chair of the Personnel Committee should be informed of any complaint brought against the CEO. In the reporting, investigation or adjudication of any infraction under this or any code or policy applicable to the CGC, the CGC shall adhere to the “best practice” standards designed to

protect the privacy, confidentiality and protection from retaliation of all complainants (or “whistleblowers”).

- b) Within three days of receiving the complaint and summary, the CEO or Responsible Body or their designate, shall determine whether the matter in dispute and the parties to the dispute are properly within the scope and application of this Policy, or are more properly to be dealt with pursuant to another policy of the CGC or by the National Sport Organization. This decision regarding jurisdiction is final and may not be appealed.

2. Investigation

Depending on the nature of the complaint, the CEO (hereinafter “CEO” may be used interchangeably with “Responsible Party”) may appoint an independent individual (“the Investigator”) to conduct an investigation. If this is the case, the Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the CEO. The CEO may also, at their sole discretion, either immediately or subsequent to an investigation, refer the matter to an appropriate independent body.

3. Hearing Panel

If section 1.2 of the Procedures (Investigation) are met, then, within 14 days of having received the original notice of the complaint or within 14 days of receiving the written report of the Investigator, if an investigation was carried out, the CEO may establish a Hearing Panel (the “Panel”) and select the members of the Panel as follows:

- a) The Panel shall be comprised of either one or three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the complaint or the dispute, and shall be free from any other actual or perceived bias or conflict. The decision regarding the size of the Panel shall be in the sole discretion of the CEO who must, in coming to a decision, ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties. The decision regarding Panel size may not be appealed.
- b) If the Panel consists of three persons, and if an individual brings the complaint, one member of the Panel shall be the individual’s nominee. The individual may submit a list of three candidates from which the CEO shall select one candidate to be a member of the Panel. The individual’s three nominees shall have had no involvement with the complaint or the dispute, and shall be free from any other actual or perceived bias or conflict.
- c) If the Panel consists of three persons, the Panel members shall select a Chairperson from amongst themselves.

4. Preliminary Conference

The Panel may determine that the circumstances of the complaint warrant a preliminary conference. In most cases the preliminary conference shall be conducted by telephone.

The issues that may be considered at a preliminary conference include:

- a) Clarification of issues in dispute;
- b) The format of the hearing:
 - i) the hearing may proceed by either a review of documentary evidence,
 - ii) an in-person hearing,
 - iii) an oral hearing by telephone or a combination of these methods.

The Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;

- c) Determine location of the hearing;
- d) Timelines for the exchange of documents and the extent of disclosure required;
- e) Clarification of evidence to be presented to the Panel;
- f) Order and procedure of the hearing;
- g) Identification of witnesses; and
- h) Any other procedural matter, which may assist in expediting the hearing.

Note: If the Panel consists of three persons, the Panel may delegate to its Chairperson the authority to deal with any or all of these preliminary matters.

5. Procedure for an Oral Hearing

Where the Panel has determined that the hearing shall be held by way of oral hearing, whether in-person or not, the Panel shall govern the hearing by such procedures as it deems appropriate and fair, provided that:

- a) The hearing shall be held within 21 days of the Panel's appointment.
- b) The parties involved shall be given 10 days' written notice of the date, time and place of the hearing.
- c) The parties shall receive a copy of the Investigator's report, where an investigation was carried out.
- d) A quorum shall be the single Panel member or all three Panel members, as the case may be.

- e) If there are three Panel members, decisions shall be by majority vote, where the Chairperson carries a vote.
- f) If the decision of the Panel may affect another person to the extent that the other party would have recourse to a hearing in their own right, that person shall be given notice and may become a party to the hearing in question.
- g) Any of the parties at the hearing may be by represented by an advisor or legal counsel.
- h) The Panel may direct that any other person participates in the hearing.

6. Procedure for a Documentary Hearing

Where the Panel has determined that the hearing shall be held by way of documentary review, it shall govern the hearing by such procedures as it deems appropriate and fair provided that:

All parties are given a reasonable opportunity:

- a) To review the Investigator's report, where an investigation was carried out;
- b) To provide written submissions to the Panel;
- c) To review the written submissions of the other parties;
- d) To provide written rebuttal.

7. Evidence Which May Be Considered

As a general rule, the Panel shall consider any evidence that is relevant to the matters in dispute and reliable. The normal rules of evidence will be relaxed. The Panel shall have authority to consider hearsay evidence provided the Panel gives to such evidence appropriate weight as might be reasonable in light of the circumstances of its inclusion.

8. The Decision

Within 14 days of concluding the hearing, the Panel shall issue its written decision, with reasons. The Panel may decide:

- a) To uphold the complaint;
- b) To deny the complaint;
- c) To design a remedy that, in the opinion of the Panel, will resolve the dispute. However, in so doing the Panel is not authorized to change or alter any rule, criteria, policy, procedure or bylaw of the CGC that has

been properly passed and implemented by the appropriate governing body. A remedy designed by the Panel may include: an order of specific performance; a written reprimand; removal of certain privileges, including the right to compete, coach, manage or provide support for the Canadian Team prior to or at a Games; suspension of the individual from further participation on a Team or within CGC, either for specified events or for a specified period of time; and any other sanction which the Panel considers appropriate in the circumstances.

- d) To determine how costs of the hearing, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.

A copy of the decision shall be provided to each of the parties and to the CEO. The Panel's decision shall be binding on all parties to the dispute. Failure by any party to comply with a decision and remedy shall result in automatic suspension of the individual's privileges and there shall be no further right to participate as a member of a Games Team or in the life of CGC, until such time as the decision and remedy are complied with.

9. Timelines

If the circumstances of a complaint or a dispute are such that this Policy will not allow a timely resolution of the matter, or if the circumstances of a complaint or a dispute are such that the matter cannot be resolved within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

10. Confidentiality

Where the dispute is of a highly sensitive nature, CGC shall keep all proceedings under this Policy confidential, except where disclosure is directed by the Panel, is required by law, or is required by the Canadian Anti-Doping Program.

11. Appeals Procedure

If a party believes the decision of the Panel, rendered pursuant to this Policy, was procedurally unfair, the decision of the Panel may be appealed. Not every decision of the Panel can be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds.

Procedural grounds are strictly limited to the Panel:

- a) Making a decision for which it did not have authority or jurisdiction as set out in CGC's governing documents;
- b) Failing to follow the procedures or Rules laid out in the bylaws or approved policies of the CGC;
- c) Misinterpreting a rule or Policy of the CGC; or,

Any such appeal shall be to the Sport Dispute Resolution Centre of Canada (SDRCC), to be dealt with according to their rules.

Document History

New policy	October 2010
	Merging Conflict of Interest and Harassment Policy
Approved:	March 4, 2011
Revised & Approved:	January 21, 2015
Revised & Approved:	February 13, 2017

Related Policies, Procedures:

- CGC Workplace Harassment & Discrimination Policy
- CGC Workplace Violence – Bill 168

Legislation:

- Ontario Human Rights Code: <http://www.ohrc.on.ca/en>
- Canadian Human Rights Act: <http://laws-lois.justice.gc.ca/eng/acts/h-6/>

CGC recognizes that some situations may present conflicts that are not materially harmful. As a result, CGC's Board of Directors, CEO, or Senior Staff, as appropriate, will address such situations on a case-by-case basis. All Individuals are responsible to report to CGC all instances of real or perceived conflict, so that a determination can be made as to whether the particular instance is in fact harmful to CGC or its Members, and therefore prohibited.



**COMMONWEALTH GAMES CANADA
ANNUAL FORM OF DECLARATION**

This declaration is to be signed upon election or appointment and each year post Annual General Meeting

I, _____ acknowledge that I have read and considered the CGC Conduct Policy and as:

<input type="checkbox"/>	An Employee, Contractor, Supplier of CGC	<input type="checkbox"/>	A Director of CGC
<input type="checkbox"/>	An Individual Member	<input type="checkbox"/>	A Member of CGC's Committees
<input type="checkbox"/>	Another member or volunteer that CGC determines appropriate, from time to time	<input type="checkbox"/>	

I agree to conduct myself in accordance with the CGC Conduct Policy.

To the best of my knowledge and belief, except as disclosed herewith, neither I nor any person with whom I have or had a personal, business, or compensated professional relationship intends to engage in any transaction, to acquire any interest in any organization or entity, or to become the recipient of any substantial gifts or favors.

(A) Without exception _____

(B) Except as described in the statement below _____:

I undertake to review the CGC Conduct Policy from time to time during the term of my appointment to become familiar with, and to understand the implications of, any changes to the Policy. Should my circumstances change at any time during the year, I will immediately inform CGC.

Signature

Title

Printed Name

Date