



## CONDUCT POLICY

### PURPOSE

Commonwealth Sport Canada (CSC) is committed to ensuring and maintaining a welcoming, safe, respectful and courteous environment, free from any Maltreatment, Discrimination or any Prohibited Behaviours as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) and other non-appropriate behaviours for everyone involved.

### SCOPE

This Policy applies to the conduct of any individuals engaged with Commonwealth Sport Canada (CSC) as defined below as “CSC Participants”, including but not limited to, all CSC employees, contractors, and volunteers. This Policy does not apply to Team Canada Members at Games given they are bound by a specific Games’ related Code of conduct as a condition of participation at Games upon signing the Team Member agreement. That said, should the Team Canada Members be involved in CSC activities outside of the Games, they shall be bound by this Policy.

CSC has zero tolerance for any form of abuse, bullying, harassment or Discrimination and Maltreatment and any Prohibited Behaviours as defined in the UCCMS and has implemented mandatory training and education for all employees, Board of Directors, contractors (as deemed applicable) Members-at-Large, Committee Members, SportWORKS Officers and Host Organization Supervisors, as well as Team Canada Members. CSC has also formally adopted the UCCMS as amended from time to time, as a standalone policy.

### DEFINITIONS

In this policy, the following definitions apply.

- a) “CCES” means the Canadian Centre for Ethics in Sport
- b) “CSC Participant(s)” means all individuals involved in CSC activities from time to time, including but not limited to, CSC Employees, Board Members, Members-at-Large, Committee Volunteers, SportWORKS and Team Canada Members.
- c) “CSSP” means Canadian Safe Sport Program Rules that incorporates the UCCMS, which is enforced by CCES for federally funded Canadian sport organizations at the national level.
- d) “Days” means total days irrespective of weekends or holidays.
- e) “Discrimination” is defined in the UCCMS and means, generally speaking any 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.
- f) “Maltreatment” means physical, psychological and sexual maltreatment as defined in the UCCMS.



- g) “Prohibited Behaviours” means the behaviours prohibited under the UCCMS and include Maltreatment and Discrimination.
- h) “SportWORKS Officer(s)” are senior University students or recent graduate from a sport management program who works on behalf of Commonwealth Sport Canada for a small honorarium to gain work experience in the field of Sport and/or Sport Development.
- i) “UCCMS” means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport as amended from time to time, which is the core document that sets harmonized rules to be adopted by sport organizations that receive funding from the Government of Canada to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming and safe sport experience. (available at [CCES-UCCMS-Final-E.pdf](#))

## POLICY

### 1. Expected Standard of Ethical Conduct

All CSC Participants and anybody acting on behalf of CSC, 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 CSC. Full policy and details outlined in CSC’s Conflict of Interest Policy.
  - d) Always respect and comply with the CSSP Rules and UCCMS and not be part of nor participate in any behavior that is considered UCCMS Prohibited Behaviours such as, but not limited to, Maltreatment or Discrimination.
- (A)** Not be part of nor participate in any behaviour that constitutes harassment, including Maltreatment as defined in the UCCMS. 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).
- (B)** 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.

- e) Always comply with the bylaws, policies, rules, and regulations of CSC, as adopted and amended from time to time, including complying with any contracts or agreements executed with or by CSC.
- f) 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 CSC has a duty to report the incident.

## 2. Gifts, Entertainment, Benefits

CSC 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 less than \$100.00 may be given or accepted, in accordance with prevailing local customs, by CSC 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 CSC Participants and the persons accompanying them shall not be excessive.

## COMPLAINT PROCEDURES

### 1. Reporting an Infraction

All CSC Participants are responsible to report to CSC all infractions of this policy and instances of real or perceived conflict, so that a determination may be made as to whether the infraction is, in fact, harmful to CSC or its Members. CSC recognizes that some infractions of this Policy may be minor in nature and result in consequences that are not materially harmful. The CEO or Responsible Body may, upon a reasonable determination, deal with these situations on a case-by-case basis and in a summary manner that requires neither further investigation, formal reporting, nor disciplinary action.

In the context of the Commonwealth Games or Commonwealth Youth Games, CSC may require CSC Participants to comply with other agreements, Games related policies and complaint, and reporting procedures as adopted from time to time by CSC. CSC Participants who sign a Team Member agreement shall be subject to such agreement and associated Games' related policies, as determined by CSC.

- a) CSC Participants **not** designated as UCCMS Participants who wish to report infractions related to any UCCMS Prohibited Behaviors should contact BRIAN WARD at [safesport\\_wwdrs@primus.ca](mailto:safesport_wwdrs@primus.ca) acting as CSC's Independent Third-Party (ITP).
- b) All infractions related to this Policy shall be reported to CSC's ITP or to CCES in case of UCCMS Participants for UCCMS violations, CSC Participants reporting infractions under



this Policy are encouraged to submit their report of an infraction (or “complaint”) together with a summary of the subject matter of the complaint to CSC’s ITP. 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 CSC, CSC shall adhere to the “best practice” standards designed to protect the privacy, confidentiality and protection from retaliation of all complainants (or “whistleblowers”).

- c) CSC recognizes that some situations may present conflicts that are not materially harmful. As a result, CSC’s ITP, CSC’s Board of Directors, CEO, or Senior Staff, as appropriate, will address such situations on a case-by-case basis. All CSC Participants are responsible for reporting to CSC 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 CSC or its Members and therefore prohibited.
- d) Within three days of receiving the complaint and summary, CSC’s ITP 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 CSC or another Sport Organization. This decision regarding jurisdiction is final and may not be appealed.

## 2. Investigation

- a) If the nature of the complaint is a UCCMS Prohibited Behaviour, CSC’s ITP will be responsible to conduct, in a timely manner, the preliminary assessment to confirm the Prohibited Behaviour. If the Prohibited Behaviour involves a UCCMS Participant designated by CSC or another Sport Organization, CSC’s ITP will not assess or investigate the complaint and will refer it directly to the Canadian Centre for Ethics in Sport (CCES).
- b) If the nature of the complaint is **not** considered to be a UCCMS Prohibited Behaviour, the ITP may decide to investigate. The investigation shall be carried out in a timely manner and at the conclusion of the investigation shall submit a written report to the Board of Directors.

## 3. Hearing Panel

If section 2b of the Complaints Procedures (Investigation) are met and a Hearing is warranted, 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 or a delegated complaint manager 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 complainant'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.
- d) If the nature of the complaint relates to a UCCMS Prohibited Behaviour involving CSC Participants that are **not** UCCMS Participants, CSC's ITP will be responsible to select the panel who will conduct the Hearing. If the UCCMS complaint involves UCCMS Participants, it will be referred to and managed by CCES.

#### **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, video conference (i.e. Zoom or MS Teams) 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 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 CSC 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 CSC, 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 CSC, 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, CSC 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 in accordance with CSC's Appeals policy. 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 CSC's governing documents,
- b) Failing to follow the procedures or Rules laid out in the bylaws or approved policies of CSC,
- c) Misinterpreting a rule or Policy of CSC.

If both Parties and CSC agree to bypass CSC's Appeals process, such appeal shall be referred to the SDRCC and dealt with according to the SDRCC rules.

## 12. Sanctions

Any sanction(s) imposed will be reasonable and reflective of the inappropriate behaviour, considering any previous disciplinary actions. If inappropriate behaviour has been confirmed, sanctions could include:

- a) Verbal or Written Warning  
A verbal reprimand or an official, written notice and formal admonition that an Individual has violated CSC's Conduct Policy.
- b) Education  
The requirement that an Individual undertake specified educational or similar remedial measures to address the inappropriate behaviour.
- c) Probation  
Should any further violations of the Conduct Policy occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.





d) Suspension

Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, or event, organized by CSC. A suspended individual is eligible to return to regular activity, but reinstatement may be subject to certain restrictions or contingent upon the individual satisfying specific conditions noted at the time of suspension.

e) Permanent Ineligibility

Permanent ineligibility to participate, in any capacity, in any program, activity, or event, organized by CSC.

f) Other discretionary sanctions

Other sanctions for inappropriate behaviour may be imposed, including, but not limited to, other loss of privileges, a fine or a monetary payment to compensate for losses, or other restrictions or conditions as deemed necessary or appropriate.

## **Document History**

New policy	October 2010
Approved:	March 4, 2011
Revised & Approved:	January 21, 2015
Revised & Approved:	February 13, 2017
Revised & Approved:	June 19, 2020
Revised & Approved:	April 5, 2023 (email vote)
Next Revision Date:	April 2025

## **Related Policies, Procedures:**

- CSC Conflict of Interest Policy
- CSC Workplace Harassment & Discrimination Policy
- CSC 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-6/67>



## CONDUCT POLICY 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 CSC's Conduct Policy and as:

<input type="checkbox"/>	an Employee, Contractor, SportWORKS Officer or Intern of CSC	<input type="checkbox"/>	a Board of Director of CSC
<input type="checkbox"/>	a Member-at-Large	<input type="checkbox"/>	a CSC Committee Members
<input type="checkbox"/>	Another member or volunteer that CSC determines appropriate, from time to time	<input type="checkbox"/>	

☐ I agree to conduct myself in accordance with CSC's Conduct Policy.

☐ I undertake to review CSC's 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 CSC. I also acknowledge having read the Canadian Safe Sport Program Rules (CSSP) and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) in effect as of the date of my signature.

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Signature

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Printed Name

Date

Please complete and return to the Manager, Programs & Operations

Commonwealth Sport Canada  
[kelly@commonwealthsport.ca](mailto:kelly@commonwealthsport.ca)