

## **MANITOBA ROWING ASSOCIATION SAFE SPORT POLICY MANUAL**

### **Introduction**

Manitoba Rowing Association has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every Individual that is involved in the Manitoba rowing community.

[Manitoba Rowing Association takes any situation involving misconduct or Maltreatment very seriously; for this reason, Manitoba Rowing Association is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or Maltreatment.

This Manitoba Rowing Association Safe Sport Manual contains policies for the entire Manitoba rowing community, that are applicable across Manitoba and from the 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 Manitoba Rowing Association Safe Sport Manual has been prepared by RCA and has been adopted by Manitoba Rowing Association as the applicable safe sport policies in Manitoba. 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 the Independent Third Party, who will then determine the appropriate forum and manner to address the complaint.

This Manitoba Rowing Association Safe Sport Manual incorporates the substantive aspects of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). However, since the UCCMS may continue to evolve in the foreseeable future, this Manitoba Rowing Association Safe Sport Policy Manual 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 Manitoba rowing community. Going forward, this Manitoba Rowing Association Safe Sport Policy Manual may be amended further if modifications are made to the UCCMS to ensure that the UCCMS is fully incorporated and can be implemented appropriately by Manitoba Rowing Association. In the event that the UCCMS is modified before amendments are made to this Manitoba Rowing Association Safe Sport Manual, any such modifications shall be incorporated in this Manitoba Rowing Association Safe Sport Manual by reference.

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

Lastly, Manitoba Rowing Association notes and wishes to advise the Manitobarowing community that, if any Policy, in whole or in part, is excerpted from this Manitoba Rowing Association 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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## MANITOBA ROWING ASSOCIATION

### DEFINITIONS

*The terms defined below shall apply to Manitoba Rowing Association policies included in this Manitoba Rowing Association 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 Manitoba Rowing Association 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 Manitoba Rowing Association for either recreational or competitive purposes.
5. *“Board”* – the Board of Directors of Manitoba Rowing Association, as applicable.
6. *“Case Manager”* – an independent individual appointed by Manitoba Rowing Association, as applicable, to fulfill the responsibilities described in the *Discipline and Complaints Policy*. In order to be appointed as a Case Manager, the individual must have relevant experience and skills to manage complaints and perform their duties, either as a legal practitioner or sport administrator.
7. *“Complainant”* – the Party making a complaint pursuant to the *Discipline and Complaints Policy* and as referred to in the *Investigations Policy*.
8. *“Complaint Resolution Officer”* – an individual appointed to handle the duties of the Complaint Resolution Officer as described in the *Discipline and Complaints Policy*.
9. *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
10. *“Days”* – calendar days<sup>1</sup>
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 RCA or a Member, including Manitoba Rowing Association, and which may include a social Event.
14. *“Harassment”* – A vexatious comment (or comments) or conduct against an Individual or group, irrespective of whether the comment or conduct occurs in person or via any other media, including social media, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - i. Written or verbal abuse, threats, or outbursts;
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or

<sup>1</sup> For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;

- iv. Leering or other suggestive or obscene gestures;
  - v. Condescending or patronizing behaviour, which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - vi. Practical jokes which endanger a person's safety, or which may negatively affect performance;
  - vii. 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;
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
    - ix. Deliberately excluding or socially isolating a person from a group or team;
    - x. Persistent sexual flirtations, advances, requests, or invitations;
    - xi. Physical or sexual assault;
    - xii. 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
    - xiii. Retaliation or threats of retaliation against a person who Reports harassment to RCA or to a Member.
15. *"Independent Third Party"* – the independent individual retained by RCA 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 RCA or, as applicable, in the Bylaws of Manitoba Rowing Association, any other Member, as well as all people employed by, contracted by, or engaged in activities with RCA, Manitoba Rowing Association or another 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:
- i. 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:
    - a. 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 Maltreatment may also occur in online forms.

- b. 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.
  - c. 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 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.
- ii. 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:
  - a. Contact behaviours: including but not limited to deliberately punching, kicking, beating, biting, striking, strangling or slapping another; and deliberately hitting another with objects;
  - b. 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 Athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to 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.
- iii. 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 Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.
  - a. Examples of Sexual Maltreatment include, but are not limited to:
    - i. 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.
    - ii. 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.
- iv. 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. Neglect is determined by the objective behaviour, but the behaviour must be evaluated with consideration given to the Individual's needs and requirements, not whether harm is intended or results from the behaviour.
    - a. Neglect, or acts of omission, include without limitation, not providing an Athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an Individual's physical or intellectual disability; not considering supervision of an Athlete during travel, training or competition; not considering the welfare of the Athlete when prescribing dieting or other weight control methods (e.g., caliper tests); disregarding the use of Prohibited Substances or Methods by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport rules, regulations, and standards, subjecting Individuals to the risk of Maltreatment.
  - v. 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 participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel, and providing gifts).
  - vi. Interference with or Manipulation of Process
    - a. 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 or any PRA Safe Sport Policy Manual, by:
      - i. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
      - ii. destroying or concealing information;
      - iii. attempting to discourage an Individual's proper participation in or use of RCA, Manitoba Rowing Association, or any other Member's processes;
      - iv. harassing or intimidating (verbally or physically) any person involved in RCA, Manitoba Rowing Association or any other Member's processes before, during, and/or following any proceedings;
      - v. publicly disclosing an Individual's identifying information, without the Individual's agreement;
      - vi. failing to comply with any temporary or provisional measure or other final sanction;
      - vii. 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
      - viii. influencing or attempting to influence another Individual to interfere with or manipulate the process.
  - vii. Retaliation: An Individual shall not take an adverse action against any other Individual for

making a good faith Report of possible Maltreatment or for participating in any process found in RCA or a Member's policies, including those found in this Manitoba Rowing Association Safe Sport Policy Manual. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in RCA, Manitoba Rowing Association 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 Maltreatment occurred and does not include good-faith actions lawfully pursued in response to a Report of possible Maltreatment.

- viii. Aiding and abetting:
    - a. any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by an Individual. Aiding and abetting also includes, without limitation, knowingly:
      - i. 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;
      - ii. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
      - iii. allowing any Individual to violate the terms of their suspension or any other sanctions imposed.
  - ix. 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 the Independent Third Party, on a timely basis, all relevant information that the adult Individual is or becomes aware of and requires making a direct Report to the Independent Third Party. 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.
  - x. Failure to Report inappropriate conduct: Any Individual who suspects or becomes aware of another Individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to Report such inappropriate conduct to the Independent Third Party. Persons in Authority who become aware of another Individual's inappropriate conduct have a responsibility for Reporting the concern to the Independent Third Party.
  - xi. 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.
18. "*Members*" – Rowing Organizations, including Rowing Clubs,<sup>2</sup> Special Associations and Provincial Rowing Associations.
19. "*Minor*" – any Individual who is under the age of majority at the time and in the jurisdiction where the alleged breach of any RCA, Manitoba Rowing Association or other Member's policy has occurred. Adult Individuals are responsible for knowing the age of a Minor in the relevant jurisdiction.

**\*\*\* Please verify provincial/territorial jurisdictions for potential changes \*\*\***

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<sup>2</sup> Wherever the term 'Club' is used in any policy included in this policy manual, it shall be understood as a Special Association where appropriate and required by the circumstances.



20. *“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).
21. *“Person in Authority”* – Any Individual who holds a position of authority within RCA, Manitoba Rowing Association or any other Member, including, but not limited to, coaches, umpires, officials, managers, support personnel, chaperones, Committee members, and Directors or Officers. In addition to the responsibilities described for Individuals in the Code of Conduct and Ethics, a Person in Authority shall be responsible for knowing what constitutes Maltreatment.
22. *“Power Imbalance”* – A Power Imbalance may exist where, based on the totality of the circumstances, an Individual has supervisory, evaluative, a duty of care, or other authority over another Individual. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. Maltreatment occurs when this power is misused. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates or until the Athlete reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
23. *“Reporting (or Report)”*: The provision of information in writing by any person or an Individual to a relevant independent authority (the Independent Third Party or position charged with receiving a Report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent.
24. *“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.
25. *“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:
  - i. Sexist jokes;
  - ii. Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - iii. Offering a benefit in exchange for a sexual favour;
  - iv. Demanding hugs;
  - v. Bragging about sexual ability;
  - vi. Leering (persistent sexual staring);
  - vii. Sexual assault;
  - viii. Display of sexually offensive material;
  - ix. Distributing sexually explicit messages or attachments such as pictures or video files;
  - x. Sexually degrading words used to describe an Individual;
  - xi. Unwelcome inquiries into or comments about an Individual’s gender identity or physical appearance;



- xii. Inquiries or comments about an Individual's sex life;
  - xiii. Persistent, unwanted attention after a consensual relationship ends;
  - xiv. Persistent unwelcome sexual flirtations, advances, comments or propositions; and
  - xv. Persistent unwanted contact.
26. *"Social media"* – The catch-all term that is applied broadly to computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, Tik-Tok, and Twitter.
27. *"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);
28. *"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
29. *"Workplace"* - Any place where Events, business or work-related activities are conducted. Workplaces include but are not limited to, the office or facilities of RCA, Manitoba Rowing Association or any other 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
30. *"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:
- i. Bullying;
  - ii. Workplace pranks, vandalism, bullying or hazing;
  - iii. Repeated offensive or intimidating phone calls, text messages or emails;
  - iv. Inappropriate sexual touching, advances, suggestions or requests;
  - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
  - vi. Psychological abuse;
  - vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
  - viii. Deliberately withholding information that would enable a person to do his or her job, perform or train;
  - ix. Sabotaging someone else's work or performance;
  - x. Gossiping or spreading malicious rumours;
  - xi. Intimidating words or conduct (offensive jokes or innuendos); and
  - xii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.
31. *"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:
- Verbal or written threats to attack;
  - Sending or leaving threatening notes, text messages or emails;
  - Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;

- Wielding a weapon in a Workplace;
- Hitting, pinching or unwanted touching which is not accidental;
- Dangerous or threatening horseplay;
- Physical restraint or confinement;
- Blatant or intentional disregard for the safety or wellbeing of others;
- Blocking normal movement or physical interference, with or without the use of equipment;
- Sexual violence; and
- Any attempt to engage in the type of conduct outlined above.



**MANITOBA ROWING ASSOCIATION**  
**ATHLETE PROTECTION POLICY**

Effective date	August 1, 2021
Archived date	-
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2021
Replaces and/or amends	-
Approved by and date	MRA Board of Directors – July 29, 2021
Appendix(-ces) to this Policy	Appendix A – Image Consent Form

**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’**

2. Rowing Canada Aviron (RCA) and its Members, including Manitoba Rowing Association, strongly recommend the ‘Rule of Two’ for all Persons in Authority who interact with Athletes, whether in person or remotely (i.e., in virtual settings). 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.

3. Manitoba Rowing Association 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:
  - i. The training and competition environments should be open to observation so that all interactions between Persons in Authority and Athletes are observable.
  - ii. Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete.
  - iii. 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.

- iv. 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**

4. As it relates to practices and/or competitions, the following shall be respected:
  - a) 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.
  - b) If the Vulnerable Individual is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or Person in Authority arrives.
  - c) 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
  - d) 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
  - e) 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**

5. Communications between Persons in Authority and Athletes shall respect the following:
  - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes
  - b) 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 and must be copied to another adult when the Athlete is a Vulnerable Individual.
  - c) No personal texts between Vulnerable Individuals and Persons in Authority may be sent; however, if this is necessary under Section 5(b), it shall include one other adult person on the message (preferably the Vulnerable Person's parent(s)/guardian(s)).
  - d) 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
  - e) All communication between a Person in Authority and Athletes must be between the hours of 6:00am and 11:00pm unless extenuating circumstances justify otherwise (e.g., cancelling an early morning practice)
  - f) Communications concerning drugs or alcohol use (unless regarding its prohibition) is not permitted
  - g) No sexually explicit language or imagery or sexually oriented conversation may be communicated by any medium
  - h) Persons in Authority and Athletes are not permitted to offer or ask one another to keep a secret for them

### **Virtual settings**

6. The Rule of Two shall apply to all Minors in a virtual environment. Specifically:

- a) For Athletes under the age of 16, where possible, a parent/guardian should be present during any virtual session;
- b) Two adult coaches should be present or one coach and one adult (parent, guardian, volunteer, club administrator). One-on-one virtual sessions are prohibited;
- c) Coaches shall be informed by Manitoba Rowing Association of the expected standards of conduct during virtual sessions;
- d) Parents/guardians of Minors shall be informed by Manitoba Rowing Association of the activities that will take place during the virtual session, as well as the process of the virtual session;
- e) Parents/guardians of Minors shall provide consent to the Minor participating in the virtual session, if irregularly scheduled, or prior to the first session if the sessions will take place on a regular basis;
- f) Communications during virtual sessions shall take place in an open and observable environment. Sessions must be initiated in appropriate locations (i.e., not in personal or inappropriate locations such as bedrooms);
- g) Virtual sessions should be recorded whenever allowed by the technology being used;
- h) Parents/guardians should debrief with Minors on a weekly basis regarding virtual sessions.

### **Travel**

- 7. Any travel involving Persons in Authority and Athletes shall respect the following:
  - a) Teams or groups of Athlete shall always have at least two Persons in Authority with them
  - b) For mixed gender teams or groups of Athletes, there will be one Person in Authority from each gender
  - c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present
  - d) No Person in Authority may drive a vehicle with an Athlete alone unless the Person in Authority is the Athlete's parent or guardian
  - e) 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
  - f) Room or bed checks during overnight stays must be done by two Persons in Authority
  - g) 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**

- 8. The following shall apply to locker rooms, changing areas, regatta weigh-in area(s), and meeting rooms:
  - a) 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, regatta weigh-in area(s), 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.
  - b) 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**

- 9. Any photograph or video involving Athletes shall respect the following:
  - a) 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.

- b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
- c) Examples of photos that shall be edited or deleted include:
  - i. Images with misplaced apparel or where undergarments are showing
  - ii. Suggestive or provocative poses
  - iii. Embarrassing images
- d) 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**

10. 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:
- a) 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
  - b) Infrequent, non-intentional physical contact during a training session is permitted
  - c) 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 performance), but this physical contact may only occur in an open and observable environment.

### **Enforcement**

11. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to Manitoba Rowing Association's *Discipline and Complaints Policy*.

### **Privacy**

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.



## Appendix A – Image Consent Form

1. I hereby grant to [Insert Name of Member organization(s)], and RCA and, as applicable, my Provincial Rowing Association and Club (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 by the Participant by the Participant notifying Manitoba Rowing Association of such withdrawal in writing.
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, misappropriation 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):

\_\_\_\_\_



**MANITOBA ROWING ASSOCIATION**  
**CODE OF CONDUCT AND ETHICS**

Effective date	August 1, 2021
Archived date	August 1, 2021
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2021
Replaces and/or amends	MRA Code of Conduct, MRA Coaching Code of Conduct
Approved by and date	July 29, 2021
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 Manitoba Rowing Association 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. Manitoba Rowing Association supports equal opportunity, prohibit discriminatory practices, and is committed to providing an environment in which all individuals can safely participate in its sport and are treated with respect and fairness.

**Application of this Code**

2. This Code applies to any Individual's conduct during the business, activities, and Events of Manitoba Rowing Association including, but not limited to, competitions, practices, evaluations (including time trials 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 or social Events.
3. This Code also applies to Individuals' conduct outside of the business, activities, and Events of Manitoba Rowing Association when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of Manitoba Rowing Association. Such applicability will be determined by Manitoba Rowing Association at its sole discretion.
4. 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.
5. 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).
6. 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

7. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of other Individuals by:
    - i. Treating each other with the highest standards of respect and integrity;
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, umpires, officials, organizers, volunteers, employees, or other participants;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
    - iv. Acting to correct or prevent practices that are unjustly discriminatory;
    - v. Consistently treating individuals fairly and reasonably; and
    - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
  - b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment
  - c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
  - d) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, Events of Manitoba Rowing Association or representing Manitoba Rowing Association at any such activities or Events;
  - e) In the case of Minors, not consume alcohol, tobacco, or cannabis at any Event;
  - f) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the Events of Manitoba Rowing Association (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
  - g) Respect the property of others and not wilfully cause damage
  - h) Promote sport in the most constructive and positive manner possible
  - i) When driving a vehicle or operating a coach boat or safety launch:
    - i. Not have his or her license suspended;
    - ii. Obey traffic laws at all times;
    - iii. Not be under the influence of alcohol, cannabis or illegal drugs or intoxicating substances;
    - iv. Have valid insurance; and
    - v. Refrain from using a mobile device or engaging in any activity that would constitute distracted driving.
  - j) Adhere to all federal, provincial, municipal and host country laws
  - k) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition or para-classification, and/or refrain from offering or receiving any bribe which is intended to manipulate the outcome of a competition
  - l) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of RCA and its Members, as applicable and as adopted and amended from time to time
  - m) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an Individual to the Independent Third Party, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or Prohibited Substance or Method
  - n) As a Person in Authority, not place an Individual in a situation that makes them vulnerable to Maltreatment. This includes, but is not limited to, instructing an Athlete and a coach to share a hotel room when traveling, hiring a coach who the Person in Authority is aware or is made aware has a past history of Athlete Maltreatment, assigning guides and other support staff to a para-Athlete when the

guide or support staff has a reputation for Athlete Maltreatment or assigning such a guide or support staff to a para-Athlete in the absence of consultation with the para-Athlete.

### **Directors, Committee Members, and Staff**

8. In addition to section 7 (above), directors, committee members, and staff of Manitoba Rowing Association will have additional responsibilities to:
  - a) When performing their role as a director or committee member or staff member of Manitoba Rowing Association (as applicable), ensure that they respect their duty of loyalty to Manitoba Rowing Association, and refrain from engaging in any activity or behaviour that could constitute a conflict of interest
  - b) Ensure their loyalty prioritizes the interests of Manitoba Rowing Association
  - c) 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
  - d) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - e) Comply with the *Screening Policy*
  - f) Conduct themselves openly, professionally, lawfully and in good faith
  - g) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
  - h) Behave with decorum appropriate to both circumstance and position
  - i) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
  - j) Respect the confidentiality appropriate to issues of a sensitive nature
  - k) Respect the decisions of the majority and resign if unable to do so
  - l) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
  - m) Have knowledge and understanding of all relevant policies and procedures

### **Coaches**

9. 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 unintentionally. Coaches will:
  - a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes
  - b) Prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes
  - c) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals (where applicable) in the diagnosis, treatment, and management of Athletes' medical and psychological treatments
  - d) Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs
  - e) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate
  - f) Provide Athletes (and the parents/guardians of minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete

- g) Act in the best interest of the Athlete's development as a whole person
- h) Comply with the *Screening Policy*
- i) 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
- j) Respect Athletes competing for other clubs, provinces or countries and, in dealings with them, not discuss topics or take 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
- k) 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
- l) 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
- m) Dress appropriately
- n) Use inoffensive language, and take the audience being addressed into account (e.g., the age/maturity of the participants)

### **Athletes**

10. In addition to section 7 (above), Athletes will have additional responsibilities to:
- a) Adhere to their Athlete Agreement (if applicable)
  - b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete
  - c) 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)
  - d) 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
  - e) Adhere to any rules and requirements regarding clothing and equipment
  - f) Dress to represent the sport and themselves appropriately
  - g) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Umpires**

11. In addition to section 7 (above) and Section 11.5 in the RCA Rules of Racing, umpires will have additional responsibilities to:
- a) Maintain and update their knowledge of the Rules of Racing and any rule changes
  - b) Not publicly criticize any Individual
  - c) Place the safety and welfare of competitors, and the fairness of the competition above all else
  - d) Strive to provide a fair sporting environment, and at no time engage in Maltreatment of any person on the field of play
  - e) Work within the boundaries of their position's description while supporting the work of other umpires and follow the direction of Chief Umpires
  - f) Act as an ambassador of the sport of rowing by agreeing to enforce and abide by national and provincial rules and regulations
  - g) Take ownership of actions and decisions made while umpiring

- h) Respect the rights, dignity, and worth of all Individuals
- i) Act openly, impartially, professionally, lawfully, and in good faith
- j) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
- k) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals
- l) Comply with the *Screening Policy*
- m) Honour all assignments unless unable to do so by virtue of illness or personal emergency, in which case they must communicate their situation to the individual(s) responsible for assignments as soon as possible, including, if already at a regatta, the Chief Umpire
- n) When writing reports, set out the actual facts to the best of their knowledge and recollection
- o) Dress in appropriate attire for umpiring
- p) Never umpire at a Manitoba regatta that is not sanctioned by Manitoba Rowing Association

### **Parents/Guardians and Spectators**

12. In addition to section 7 (above), parents/guardians and spectators at Events will, at all times:
- a) Encourage Athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence
  - b) Condemn the use of violence in any form
  - c) Never ridicule a participant during a competition or practice
  - d) Respect the decisions and judgments of umpires and officials, and encourage Athletes to do the same
  - e) Support all efforts to eliminate verbal and physical abuse, coercion, intimidation, and sarcasm
  - f) Respect all competitors, coaches, umpires, officials and other volunteers
  - g) Never harass competitors, coaches, umpires, officials, parents/guardians, or other spectators

### **Anti-Doping<sup>1</sup>**

13. All Individuals shall:
- a) 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, Manitoba Rowing Association adopts and adhere to the Canadian Anti-Doping Program. Manitoba Rowing Association 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
  - b) 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
  - c) Cooperate with any Anti-Doping Organization that is conducting an investigation into any anti-doping rule violation(s)
  - d) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program

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<sup>1</sup> Any capitalized terms used in this Anti-Doping section shall, unless the context requires otherwise, have the meanings ascribed to them in the Definitions section of the Canadian Anti-Doping Program.



14. All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under RCA, Manitoba Rowing Association or any other Member's jurisdiction.

**Retaliation, Retribution or Reprisal**

15. 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 Report pursuant to any Manitoba Rowing Association policy. It is also a breach of this Code of Conduct and Ethics for an Individual to file a Report for the purpose of retaliation, retribution or reprisal against any other Individual. Any Individual found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

**Privacy**

16. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.



**MANITOBA ROWING ASSOCIATION**  
**DISCIPLINE AND COMPLAINTS POLICY**

Effective date	August 1, 2021
Archived date	August 1, 2021
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	MRA Dispute Resolution Policy
Approved by and date	MRA Board of Directors - July 29, 2021
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 (RCA), Manitoba Rowing Association and any other RCA Member. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

**Application of this Policy**

2. This Policy applies to all Individuals.
3. This Policy applies to matters that may arise during the business, activities, and Events of Manitoba Rowing Association including, but not limited to, competitions, on and off water training, evaluations (including time trials or any other form of testing), treatment or consultations (i.e., massage therapy), training camps, travel associated with Manitoba Rowing Association activities, and any meetings.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and Events of Manitoba Rowing Association when such conduct adversely affects Manitoba Rowing Association's relationships (and the work and sport environment) or is detrimental to the image and reputation of Manitoba Rowing Association, or upon the acceptance of Manitoba Rowing Association.
5. Without limiting the generality of the foregoing, 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 Manitoba Rowing Association 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 the Independent Third Party at their sole discretion and shall not be subject to appeal.

6. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of an interim suspension or sanction may be applied by Manitoba Rowing Association's Executive Director, after which further discipline or sanctions may be applied according to this Policy. Any infractions 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.
7. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Manitoba Rowing Association who is a Respondent to a Report may also be subject to consequences in accordance with the employee's employment agreement, if applicable, or Manitoba Rowing Association's Human Resources or other applicable policies.
8. Manitoba Rowing Association will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

### **Minors**

9. 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. Any Individual who Reports or brings a complaint involving known or suspected abuse, neglect or Maltreatment of a Minor on behalf of the Minor must Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.
10. Communication from the Independent Third Party, Case Manager, Complaint Resolution Officer or discipline panel, as applicable, must be directed to the Minor's representative.
11. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
12. A Minor is not required to attend an oral hearing, if held.

### **Reporting a Complaint**

13. All complaints must be Reported in writing by an Individual (or Individuals) to RCA'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 Reporting their complaint within fourteen (14) days of the occurrence of the incident.
14. 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 Manitoba Rowing Association take carriage of the complaint and act as the Complainant pursuant to Section 23 below.

15. 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 Reported 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**

16. Upon receipt of a Reported complaint from an Individual (or Individuals), the Independent Third Party shall:
  - determine whether the complaint falls within the jurisdiction of this Policy;
  - if it can be accepted pursuant to Section 13 above; and
  - whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.<sup>1</sup>

If the Reported complaint is not accepted by the Independent Third Party for any of the aforementioned reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is accepted by the Independent Third Party, the Independent Third Party shall proceed to make the determinations indicated in Sections 18-23 below and notify the Parties accordingly that the Reported complaint has been accepted.

17. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect or Maltreatment of a Minor, they shall Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the aforementioned obligation if the Individual making the complaint or filing the Report confirms in writing that they have already Reported to any such authorities.
18. If a Reported complaint has been accepted by the Independent Third Party pursuant to Section 16 above, the Independent Third Party shall determine whether the Reported incident has occurred within the Club, Manitoba Rowing Association or RCA's business, activities or Events as described in Section 3 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 4 above, or if the breach has had a serious and detrimental impact on the Individual(s), as described in Section 5 above.
19. Clubs will only handle Reported 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 Reported complaint alleges any of the incidents listed in Section 20 below. Any complaints involving incidents that fall within the Club's business, activities or Events, or outside the Club's business, activities or Events but that adversely affect its relationships or detrimentally affect its image or reputation and that fall within Section 21 below will be handled by the Club's Provincial Rowing Association.

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<sup>1</sup> As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

20. The Independent Third Party shall direct a Reported complaint to be managed by the Complaint Resolution Officer of Manitoba Rowing Association<sup>2</sup> (if and as applicable pursuant to Sections 18 and 19 above) if the Complainant alleges that any of the following incidents have occurred:
- i. Disrespectful conduct or behaviour
  - ii. Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Individual, in which case the matter will fall under Section 21 below
  - iii. Conduct contrary to the values of Manitoba Rowing Association
  - iv. Non-compliance with Manitoba Rowing Association's policies, procedures, rules, or regulations
  - v. Minor violations of the *Code of Conduct and Ethics*, *Social Media Policy*, *Athlete Protection Policy* or the Rules of Racing
21. The Independent Third Party shall direct a Reported complaint to be managed by the Case Manager appointed by Manitoba Rowing Association (if and as applicable pursuant to Sections 18 and 19 above) if the Complainant alleges that any of the following incidents have occurred:
- i. Repeated incidents pursuant to Section 20
  - ii. Abusive, racist, or sexist comments, conduct or behaviour
  - iii. Any incident of hazing
  - iv. Behaviour that constitutes abuse, Maltreatment, Harassment, Sexual Harassment, or Sexual Misconduct
  - v. Major incidents of physical violence (e.g., fighting, attacking)
  - vi. Pranks, jokes, or other activities that endanger the safety of others
  - vii. Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
  - viii. Conduct that intentionally damages Manitoba Rowing Association's image, credibility, or reputation
  - ix. Consistent disregard for Manitoba Rowing Association's bylaws, policies, rules, and regulations
  - x. Major or repeated violations of the *Code of Conduct and Ethics*, *Social Media Policy*, *Athlete Protection Policy* or the Rules of Racing
  - xi. Intentionally damaging Manitoba Rowing Association's property or improperly handling the organization's monies
  - xii. Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
  - xiii. A conviction for any *Criminal Code* offense
22. In exceptional circumstances, the Independent Third Party may direct a Reported complaint to be managed by RCA if the Club or Manitoba 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. Notwithstanding any provision in this Policy, Manitoba Rowing Association may, at its discretion, or upon request by the Independent Third Party in accordance with Section 14, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. In such cases, Manitoba Rowing Association will identify an individual to represent the organization, unless Manitoba Rowing Association is acting as the Complainant pursuant to Section 14.

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<sup>2</sup> Due to limited human or financial resources, Clubs and/or Provincial Rowing Associations may establish pools of Complaint Resolution Officers to handle cases under this Policy.

## Investigations

24. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a Reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:

- Only if the Reported incident falls within Section 21 above;
- In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy – Discrimination, Harassment and Maltreatment*;
- Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation or, where there are several allegations, which allegations, should be heard by a discipline panel pursuant to this Policy because they constitute a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Manitoba Rowing Association policy, or whether the allegations frivolous, vexatious or made in bad faith;<sup>3</sup> and
- For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

If the Independent Third Party considers that an independent investigation must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to this Policy; however, when an investigation is conducted and where it is necessary in the circumstances, interim measures may be imposed in accordance with Section 6 above.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 36 and below and shall inform the Parties and Manitoba Rowing Association.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 16, the matter shall proceed pursuant to Sections 36 and following below.

## Complaint Handled by Complaints Resolution Officer

25. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer pursuant to Section 20 above, Manitoba Rowing Association will appoint a Complaint Resolution Officer. The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation.

26. The Complaint Resolution Officer will ask the Complainant and the Respondent for either written or oral submissions regarding the Reported complaint or incident. Both Parties shall also have the right to submit to the Complaint Resolution Officer 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).

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<sup>3</sup> Please see footnote 2, modified accordingly for the circumstances of an investigation.



27. Each party shall have the right to receive the other party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each party shall be present when such submissions are made.
28. Following receipt of the Parties' submissions, the Complaint Resolution Officer 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.
29. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in Section 20 above have occurred and, if so, if one or more of the following sanctions should be applied:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to Manitoba Rowing Association
  - d) Removal of certain privileges
  - e) Suspension from certain teams, Events, and/or activities
  - f) Suspension from certain activities for a designated period
  - g) Any other sanction considered appropriate for the offense
  - h) Education or training opportunities

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 20 above have occurred, they shall dismiss the Reported complaint.

30. The Complaint Resolution Officer 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 Complaint Resolution Officer may render a short, written decision, either orally or in writing, followed by a written reasoned decision.
31. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of the relevant Club, Manitoba Rowing Association and RCA. Decisions will be kept confidential by the parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

### **Request for Reconsideration**

32. If the Complaint Resolution Officer decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Complaint Resolution Officer by informing them in writing, within four days of receiving the decision, that they are not satisfied with the decision and explain why.
33. If the Complaint Resolution Officer imposes a sanction, the Respondent may request, in writing, a reconsideration from the Complaint Resolution Officer 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:
  - a) Why the sanction is inappropriate;
  - b) Any evidence to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate.

34. Upon receiving a request for reconsideration, the Complaint Resolution Officer shall render a decision within seven (7) days explaining whether they have accepted the request for reconsideration and, if so, their new decision.
35. The Complaint Resolution Officer'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 32 or 33 above.

**Handled by Discipline Panel  
Case Manager**

36. If the Independent Third Party determines that the Reported complaint or incident should be handled by Manitoba Rowing Association pursuant to Section 21 above, Manitoba Rowing Association shall appoint a Case Manager to fulfil the responsibilities listed in Sections 37 and following. In such instance, any reference to Case Manager below shall be understood as a reference to Manitoba Rowing Association's Case Manager.
37. Following the Independent Third Party's determination that the Reported complaint or incident should be handled by Manitoba Rowing Association pursuant to Section 21 above, the appointed Case Manager will have the responsibility to:
  - a) Propose the use of the *Dispute Resolution Policy* (if considered appropriate in the circumstances)
  - b) Appoint the discipline panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of RCA, Manitoba Rowing Association or any other Member or any other sport organization that had authority over the Respondent
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

**Procedures**

38. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
39. If appropriate in the circumstances, the Case Manager will 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 Reported 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.
40. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.
41. 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:
  - a) The discipline panel determines procedures and timelines, as well as a hearing duration, that is as

expedient and cost-efficient as possible in order to ensure that costs to the Parties and Manitoba Rowing Association are reasonable

- b) 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
  - c) 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
  - d) The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
  - e) The discipline panel may request that any other individual participate and give evidence at the hearing
  - f) If not a Party, Manitoba Rowing Association shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the discipline panel, Manitoba Rowing Association may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the panel to render its decision<sup>4</sup>
  - g) The discipline panel may allow as evidence at the hearing any oral evidence and document or item relevant to the subject matter of the Reported complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - h) Where a discipline panel composed of three members is appointed, the decision will be by a majority vote
42. 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.
43. The hearing may proceed even if a Party chooses not to participate in the hearing.
44. 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.
45. In fulfilling its duties, the discipline panel may obtain independent advice.

## **Decision**

46. 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. If the discipline panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
47. 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 RCA and Manitoba Rowing Association (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.
48. Subject to Section 49 below, the discipline panel's decision will be considered a matter of public record unless decided otherwise by the discipline panel. However, the Parties may request that the discipline panel redact

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<sup>4</sup> The purpose of this provision is not to provide Manitoba Rowing Association with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide Manitoba Rowing Association with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

all or part of the decision. This decision shall be at the discipline panel's sole discretion and may not be appealed.

49. If the discipline panel dismisses the Reported complaint, its decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the parties, the Case Manager, RCA and Manitoba Rowing Association (including the Respondent's Club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

### Sanctions

50. The discipline panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to Manitoba Rowing Association
  - d) Removal of certain privileges
  - e) Suspension from certain teams, Events, and/or activities
  - f) Payment of the cost of repairs for property damage
  - g) Suspension of funding from the organization or from other sources
  - h) Expulsion from Manitoba Rowing Association
  - i) Any other sanction considered appropriate for the offense

Where the discipline panel imposes a sanction, its order shall include, at a minimum, the following details:

- which Party is responsible for the costs of implementing any sanction;
- which organization is responsible for monitoring that the sanctioned Individual respects the terms of the sanction imposed against them;
- if applicable, any reinstatement conditions that the sanctioned Individual must satisfy, and which organization is responsible for ensuring that the conditions have been satisfied; and
- any other guidance that will assist the Parties to implement the panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the panel regarding the order so that it can be implemented or monitored appropriately.

51. The following sanctions are presumed to be fair and appropriate for the Maltreatment listed below, although the Respondent may rebut these presumptions:
- a) Sexual Maltreatment involving a Minor shall carry a presumptive sanction of a lifetime suspension;
  - b) Sexual Maltreatment, Physical Maltreatment with contact and Maltreatment related to Process shall carry a presumptive sanction of either a suspension or eligibility restrictions;
  - c) While a Respondent has pending charges or dispositions in violation of criminal law, the presumptive sanction shall be a period of suspension.
52. When determining an appropriate sanction in cases of Maltreatment, the discipline panel may consider the following factors:
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - c) The ages of the individuals involved;

- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment and/or cooperation in the investigation and disciplinary process;
- f) Real or perceived impact of the incident on the Complainant, RCA or Manitoba Rowing Association or the rowing community;
- g) Circumstances specific to the Respondent being sanctioned (i.e., lack of appropriate knowledge or training regarding the requirements in RCA or Manitoba Rowing Association's policies, addiction, illness, disability);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions;
- j) Other mitigating or aggravating circumstances.

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

- 53. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of RCA, Manitoba Rowing Association or any other Member or any other sport organization that had authority over the Respondent.
- 54. 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 from participation in the activities of RCA, Manitoba Rowing Association and all other Members until such time as compliance occurs.
- 55. Records of all decisions will be maintained by RCA and Manitoba Rowing Association. Manitoba Rowing Association will submit all records to RCA. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

### **Appeals**

- 56. The decision of the discipline panel may be appealed in accordance with the *Appeal Policy*.

### **Suspension Pending a Hearing**

- 57. Manitoba Rowing Association 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**

- 58. 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 a suspension from the sport of rowing at all levels in Canada.

### **Confidentiality**

59. The discipline and complaints process is confidential and involves only Manitoba Rowing Association (CEO and relevant staff as determined by the CEO), the Parties, the Case Manager, the Complaint Resolution Officer, 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 Reported complaint to any person not involved in the proceedings.

60. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party(ies) in breach.

### **Timelines**

61. If the circumstances of the Reported 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**

62. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, local sport organizations, etc., may be advised by RCA or Manitoba Rowing Association of any decisions rendered in accordance with this Policy.

### **Privacy**

63. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.

64. Manitoba Rowing Association or any of its delegates pursuant to this Policy (i.e., Independent Third Party, Complaints Resolution Officer, Case Manager, discipline panel), shall comply with Manitoba Rowing Association's Privacy Policy in the performance of their services under this Policy.



## MANITOBA ROWING ASSOCIATION

### INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND MALTREATMENT

Effective date	August 1, 2021
Archived date	
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	
Approved by and date	MRA Board of Directors July 29, 2021
Appendix(-ces) to this Policy	

#### Purpose

1. The purpose of this Policy is to address how investigations will be conducted when necessary and as determined by the Independent Third Party pursuant to the *Discipline and Complaints Policy*.
2. Investigations shall only be conducted when the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation (or, where there are several allegations), which allegations, should be heard by a discipline panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Manitoba Rowing Association policy, or whether the allegations frivolous, vexatious or made in bad faith.

#### Investigation

3. The Independent Third Party shall appoint the investigator, taking into consideration the financial resources of Manitoba Rowing Association.
4. 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.
5. Federal and/or Provincial legislation related to Workplace Harassment or Workplace Violence may apply to the investigation if Harassment/Violence 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 Reported complaint.
6. The investigation may take any form as decided by the investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Interviews with the Complainant(s);
  - b) Witness interviews; and
  - c) Interviews with the Respondent(s).



## Investigator's Report

7. Upon completion of their investigation, the investigator shall prepare a report that includes a summary of evidence from the Parties and any witnesses interviewed. The report shall include an executive summary, which Manitoba Rowing Association may share separately from the full report with the Parties.
8. The investigator's report shall contain a non-binding opinion regarding whether an allegation or, where there are several allegations, which allegations, should be heard by a discipline panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code of Conduct and Ethics*, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Manitoba Rowing Association policy, or whether the allegations frivolous, vexatious or made in bad faith.<sup>1</sup> The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
9. 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.
10. The investigator's report will be provided to the Independent Third Party who will disclose it to Manitoba Rowing Association, which may disclose, at its discretion, either the full report or only the executive summary to the Parties. 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. RCA will be provided with a copy of the investigator's full report if the investigation has been conducted under the authority of Manitoba Rowing Association; however, RCA shall not disclose the report to any third party without Manitoba Rowing Association's express written consent.
11. The investigator's report shall be used for the purposes described in this Policy and in Section 25 of the *Discipline and Complaints Policy*.
12. The investigation report and any executive summary shall remain confidential once disclosed to Manitoba Rowing Association, RCA, 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*.
13. 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 or Manitoba Rowing Association to refer the matter to police.
14. The investigator must also inform Manitoba Rowing Association of any findings of criminal activity. Manitoba Rowing Association may decide whether to report such findings to police but is required to inform the 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

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<sup>1</sup> As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the investigator must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

Minors, or any suspected child Maltreatment, fraud against Manitoba Rowing Association, or other offences where the lack of reporting would bring Manitoba Rowing Association into disrepute.

### **Reprisal and Retaliation**

15. An Individual who Reports a complaint to the Independent Third Party 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**

16. 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 Manitoba Rowing Association 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 Manitoba Rowing Association and RCA Events, activities or business. Manitoba Rowing Association or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 16.

### **Confidentiality**

17. The investigator will protect confidentiality to the extent possible and shall only share information on a need-to-know basis. However, the investigator may need to share information in order to ensure that natural justice has been served.

### **Privacy**

18. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.
19. Manitoba Rowing Association or any of its delegates pursuant to this Policy (i.e., Independent Third Party, the investigator) shall comply with Manitoba Rowing Association's Privacy Policy in the performance of their services under this Policy.



## MANITOBA ROWING ASSOCIATION

### DISPUTE RESOLUTION POLICY

Effective date	August 1, 2021
Archived date	August 1, 2021
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	MRA Dispute Resolution Policy
Approved by and date	MRA Board of Directors – July 29, 2021
Appendix(-ces) to this Policy	

#### Purpose

1. Manitoba Rowing Association supports 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, Manitoba Rowing Association supports 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. Manitoba Rowing Association encourages all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Manitoba Rowing Association believes 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

3. This Policy applies to all Individuals.
4. 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

5. 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 Manitoba Rowing Association.
6. Where RCA 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).
7. 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.

8. Should a negotiated settlement be reached, the settlement shall be reported to Manitoba Rowing Association. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated settlement.
9. 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**

10. Any negotiated settlement will be binding on the Parties and shall remain confidential and will be protected by Manitoba Rowing Association's Privacy Policy, as applicable. Negotiated settlements may not be appealed.
11. No action or legal proceeding will be commenced against Manitoba Rowing Association in respect of a dispute, unless Manitoba Rowing Association has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

### **Privacy**

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.
13. Manitoba Rowing Association or any of its delegates pursuant to this Policy shall comply with Manitoba Rowing Association's Privacy Policy in the performance of their services under this Policy.



## MANITOBA ROWING ASSOCIATION

### APPEAL POLICY

Effective date	August 1, 2021
Archived date	August 1, 2021
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	MRA Appeal Policy
Approved by and date	MRA Board of Directors – July 29, 2021
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

2. This Policy applies to all Individuals.
3. Any Individual who is affected by a decision taken by Manitoba Rowing Association specifically with regard to that Individual by the Board, by any Committee of the Board or by any body or individual within Manitoba Rowing Association who has been delegated authority to make decisions in accordance with Manitoba Rowing Association'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.
4. This Policy **will apply** to decisions relating to:
  - a) eligibility
  - b) team selection decisions
  - c) conflict of interest
  - d) disciplinary decisions made pursuant to Manitoba Rowing Association's relevant and applicable policies
  - e) membership
5. This Policy **will not apply** to the following decisions relating to:
  - a) Matters of general application such as amendments to Manitoba Rowing Association's By-laws;
  - b) Manitoba Rowing Association's operational structure and committee appointments;
  - c) Issues of budgets and budget implementation;
  - d) Employment matters or matters of operational structure or staffing or volunteer leadership opportunities;
  - e) Except as otherwise provided for in this Policy, decisions made by organizations other than Manitoba Rowing Association, such as Manitoba Rowing Association's clubs, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), U Sports, the

- International Olympic Committee (IOC), the International Paralympic Committee (IPC), World Rowing or the Fédération Internationale du Sport Universitaire (FISU) or any other governing body;
- f) Selection criteria, quotas, policies and procedures established by entities other than Manitoba Rowing Association;
  - g) Substance, content and establishment of team selection criteria;
  - h) The Athlete Assistance Program (AAP) policies and procedures established by Sport Canada (or the provincial/territorial equivalent);
  - i) Policy and procedures established by any other agency, association or organization external to Manitoba Rowing Association;
  - j) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport and World Rowing;
  - k) Protests and appeals made under the Rules of Racing;
  - l) Contractual matters between Manitoba Rowing Association and its staff for which another dispute resolution process exists under the provisions of the applicable contract; or
  - m) Settlements negotiated pursuant to the *Dispute Resolution Policy*.

### **Timing of Appeal**

- 6. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit to Manitoba Rowing Association's CEO the following:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name of the Respondent and any Affected Parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of the decision if a written document is not available
  - f) Grounds and detailed reasons for the appeal
  - g) All evidence that supports these grounds
  - h) Requested remedy or remedies
  - i) An administration fee of five hundred dollars (\$500), which will be refunded if the appeal is upheld
- 7. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period may only do so if exceptional circumstances prevented them from filing their appeal within the deadline indicated in Section 6 above. Any such Individual 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 fourteen (14) day period will be at the sole discretion of the Appeal Manager.

### **Grounds for Appeal**

- 8. A decision cannot be appealed on its merits alone or because an Individual (or Individuals) do not like or agree with a decision. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents);



- c) 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
  - d) Made a decision that was grossly unreasonable or unfair.
9. 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**

#### **Complaint Resolution Officer Decision – Clubs**

10. A decision made by a Club Complaint Resolution Officer following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed to Manitoba Rowing Association in accordance with this *Appeal Policy*, applied and modified according to the circumstances.
11. Manitoba 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.
12. 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 Manitoba Rowing Association.

#### **Complaint Resolution Officer Decision – Provincial Rowing Associations**

13. A decision made by Manitoba Rowing Association's Complaint Resolution Officer following a request for reconsideration by one of the Parties pursuant to the *Discipline and Complaints Policy* may be appealed before the Manitoba Rowing Association's Appeal Panel in accordance with the terms of this *Appeal Policy*.
14. Manitoba Rowing Association shall appoint an Appeal Manager and shall follow the process outlined in Sections 23 and following of this *Appeal Policy*, modified and applied accordingly based on the circumstances.

#### **Discipline Panel Decision – Provincial Rowing Associations**

15. A decision made by Manitoba Rowing Association's discipline panel pursuant to the *Discipline and Complaints Policy* may be appealed before Manitoba Rowing Association's Appeal Panel in accordance with the terms of this *Appeal Policy*.
16. Manitoba Rowing Association shall appoint an Appeal Manager and shall follow the process outlined in Sections 23 and following of this *Appeal Policy*, modified and applied accordingly based on the circumstances.
17. Any decision by Manitoba Rowing Association's 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.

#### **Other decisions**

18. Any other Manitoba Rowing Association decision relating to the matters indicated in Section 4 above may be appealed in accordance with Sections 20 and following of this Policy. Manitoba Rowing Association decisions relating to the matters indicated in Sections 4(a)-(c) and (e) may be appealed in accordance with Sections 20 and following of this Policy, modified and applied accordingly based on the circumstances. Manitoba Rowing Association decisions relating to the matters indicated in Section 4(d) may be heard as indicated in Sections 10-17.
19. Manitoba Rowing Association shall appoint an Appeal Manager and shall follow the process outlined in Sections 23 and following of this *Appeal Policy*, modified and applied accordingly based on the circumstances.

### **Dispute Resolution**

20. For appeals filed pursuant to Sections 13, 15 and 18, 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**

21. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Manitoba 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:
  - a) To determine if the appeal falls under the scope of this Policy (Sections 2-5)
  - b) To determine if the appeal was submitted in a timely manner (Sections 6 and 7)
  - c) To decide whether there are sufficient grounds for the appeal (Section 8)
22. 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.
23. If the Appeal Manager accepts an appeal because it falls under the scope of this Policy, there are sufficient grounds and it was submitted in a timely manner, the Appeal Manager will notify the Parties of their decision in writing and will follow the steps described hereunder.

### **Appointment of Appeal Panel**

24. If an appeal is accepted, the Appeal Manager will appoint an appeal panel which shall consist of a single member to hear the appeal. However, 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.
25. When appointing the appeal panel, the Appeal Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), and who do not have any direct relationship with any of the Parties. Although not a strict requirement, the Appeal Manager should attempt to appoint individuals to the appeal panel who have a legal background and who understand the sport of rowing. When justified by the circumstances, the Appeal Manager may appoint individuals to the appeal panel who have specific areas of expertise that would assist in resolving the matter.

### **Determination of Affected Parties**

26. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage Manitoba Rowing Association. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

### **Procedure for Appeal Hearing**

27. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager, in collaboration with the appeal panel, 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.

28. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

29. 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, a hearing based on documentary submissions alone, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the appeal panel deem appropriate in the circumstances, provided that:

- a) The hearing will be held in a timely manner within a timeline determined by the Appeal Manager
- b) 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.
- c) Copies of any written documents which the Parties wish to have the appeal panel consider will be provided to all Parties in advance of the hearing
- d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- e) The appeal 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.
- f) The appeal 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
- g) Any Affected Party shall be permitted to make submissions and file evidence before the appeal panel. The appeal panel's decision is binding on any Affected Party. The decision to uphold or reject the appeal will be by a majority vote of the appeal panel members, except in cases where the panel consists of a single member

30. In fulfilling its duties, the appeal panel may obtain independent advice.

### **Appeal Decision**

31. The appeal panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the appeal panel will have no greater authority than that of the original decision-maker. The appeal panel may decide to:

- a) Reject the appeal and confirm the decision being appealed
- b) Uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision
- c) Uphold the appeal, in whole or in part, and vary the decision

- d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, may be assessed against any Party. In assessing costs, the appeal panel will take into account the nature and amount of the costs, the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources

32. The appeal panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and Manitoba Rowing Association. In extraordinary circumstances, the appeal 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 a Party otherwise makes a request to the appeal panel and the panel orders that the decision, in whole or in part, remain confidential.

33. Subject to Section 17 above, the appeal panel's decision is final and binding on the Parties.

### **Timelines**

34. 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**

35. 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.

36. Any failure to respect the aforementioned confidentiality requirement may result in disciplinary action being taken against the Individual(s) in accordance with Manitoba Rowing Association's relevant and applicable policies.

### **Final and Binding**

37. No action or legal proceeding will be commenced against Manitoba Rowing Association or any Individuals in respect of a dispute, unless Manitoba Rowing Association has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

### **Privacy**

38. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.

39. Manitoba Rowing Association or any of its delegates pursuant to this Policy (i.e., Appeal Manager, appeal panel) shall comply with Manitoba Rowing Association's Privacy Policy in the performance of their services under this Policy.



## MANITOBA ROWING ASSOCIATION

### SOCIAL MEDIA POLICY

Effective date	August 1, 2021
Archived date	August 1, 2021
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	MRA Social Media Policy
Approved by and date	MRA Board of Directors – July 29, 2021
Appendix(-ces) to this Policy	Separate Guidelines for Social Media on MRA website

#### Preamble

1. Manitoba Rowing Association is aware that Individual interaction and communication occurs frequently on social media. Manitoba Rowing Association cautions 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

2. This Policy applies to all Individuals, Manitoba Rowing Association and its clubs.

#### Conduct and Behaviour

3. For the avoidance of doubt, the following social media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:
  - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, at RCA, Manitoba Rowing Association, at a Member, or at other individuals connected with RCA or Manitoba Rowing Association
  - b) 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 RCA, Manitoba Rowing Association at a Member, or at other individuals connected with Manitoba Rowing Association
  - c) 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 RCA, Manitoba Rowing Association, or a Member, their stakeholders, or their reputation
  - d) 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.
  - e) 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.

4. All conduct and behaviour occurring on social media may be Reported pursuant to the *Discipline and Complaints Policy*.

### **Individuals' Responsibilities**

5. Individuals acknowledge that their social media activity may be viewable and viewed by anyone, including RCA, Manitoba Rowing Association, or other Members or Individuals.
6. If Manitoba Rowing Association 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 Manitoba Rowing Association to cease this engagement.
7. When using social media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with Manitoba Rowing Association.
8. 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*.
9. An Individual who believes that another Individual's social media activity is inappropriate or may violate the policies and procedures of Manitoba Rowing Association should Report the matter in the manner outlined by the *Discipline and Complaints Policy*.

### **Privacy**

10. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association's Privacy Policy.





## MANITOBA ROWING ASSOCIATION

### SCREENING POLICY

Effective date	August 1, 2021
Archived date	
Date last reviewed	July 29, 2021
Scheduled review date	September 1, 2022
Replaces and/or amends	
Approved by and date	July 29, 2021
Appendix(-ces) to this Policy	

#### Preamble

1. Manitoba Rowing Association understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice amongst sport organizations that provide programs and services to the Canadian sport community, and specifically within rowing clubs and associations.

#### Application of this Policy

2. This Policy applies to all individuals whose position with Manitoba Rowing Association is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Individuals.
3. Not all individuals associated with Manitoba Rowing Association will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to Manitoba Rowing Association or participants. Individuals will be subject to the screening requirements described in the Screening Requirements Matrix found in **Appendix A** of this Policy and shall comply with the screening application requirements as detailed therein. For any information on how to obtain an E-PIC or a VSC, please consult the Manitoba Rowing Association Safe Sport webpage.

#### Screening Committee

4. The implementation of this Policy is the responsibility of an independent individual appointed by RCA that will function as the Screening Committee for all screening applications received pursuant to this Policy. This independent individual (hereinafter referred to as the "Screening Committee") will possess the requisite skills, knowledge and abilities to accurately assess screening documents and to render decisions under this Policy.
5. The Screening Committee will carry out its duties in accordance with the terms of this Policy.
6. The Screening Committee is responsible for reviewing all documents submitted with a screening application and, based on the review, making decisions regarding the related appropriateness of individuals filling positions within Manitoba Rowing Association. 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

7. A Screening Requirements Matrix is provided as **Appendix A**. All individuals must comply with the requirements detailed therein when first engaged by Manitoba Rowing Association and shall respect the renewal requirements indicated in Section 20 below.
8. If an individual subsequently receives a charge, conviction for, or is found guilty of an offense they will report this circumstance immediately to Manitoba Rowing Association. Additionally, the individual will inform the relevant organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
9. If Manitoba Rowing Association 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*.

### Procedure

10. Individuals must submit the screening documents indicated in Appendix A, according to the category in which they fall, to the Screening Committee. If an individual is uncertain of which category they fall into, they may contact RCA or Manitoba Rowing Association for assistance. Any information submitted shall be subject to Manitoba Rowing Association's Privacy Policy, will only be viewed on a need-to-know basis, and will be protected in accordance with the relevant and applicable privacy legislation.
11. An individual who refuses or fails to provide the necessary screening documents, or makes an incomplete application, will be ineligible for the position sought. The individual will be informed by the Screening Committee that their application and/or position will not proceed until such time as the screening documents are submitted.
12. Manitoba Rowing Association understands 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, provided that the individual demonstrates that they have initiated the E-PIC or VSC application process. This permission may be withdrawn at any time and for any reason.
13. Manitoba Rowing Association recognizes 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.
14. The Screening Committee will review all Level 1 and Level 2 screening applications, including any supporting documents and shall make a decision as indicated in Section 15 below. For Level 3 screening applications, the Screening Committee will only review cases where the individual has made a declaration in their declaration form that may impact whether they can participate in the desired position.
15. Following the review of any Level 1 and Level 2 screening applications, the Screening Committee will decide whether:

- a) The individual has passed screening and may participate in the desired position;
  - b) The individual has passed screening and may participate in the desired position with conditions;
  - c) The individual has not passed screening and may not participate in the desired position; or
  - d) More information is required from the individual.
16. In making its decision, and where relevant, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.
17. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:
- a) If imposed in the last three years:
    - i. Any offense involving the use of a motor vehicle (including speeding tickets for excessive speeding), including, but not limited to, impaired driving (unless the individual's role does not involve driving)
    - ii. Any offense for trafficking and/or possession of drugs and/or narcotics
    - iii. Any offense involving conduct against public morals
  - b) If imposed in the last ten years:
    - i. Any crime of violence including but not limited to, all forms of assault
    - ii. Any offense involving a minor or minors
    - iii. Any offense involving theft or fraud
  - c) If imposed at any time:
    - i. An individual's conviction for any of the following *Criminal Code* offenses:
      - a. Any offense of physical or psychological violence
      - b. Any crime of violence including but not limited to, all forms of assault
      - c. Any offense involving trafficking of illegal drugs
      - d. Any offense involving the possession, distribution, or sale of any child-related pornography
      - e. Any sexual offense

### **Conditions and Monitoring**

18. 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.

### **Young People**

19. When screening Minors, Manitoba Rowing Association will:
- a) Not require the Minor to obtain a VSC or E-PIC; and
  - b) In lieu of obtaining a VSC or E-PIC, require the Minor to submit up to two (2) additional references.
20. Notwithstanding the above, Manitoba Rowing Association may ask a Minor to obtain a VSC or E-PIC if the organization suspects the Minor 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 Minor's youth record. Manitoba Rowing Association understands that they may not request to see a Minor's youth record.

### **Renewal**

21. 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:
- a) An E-PIC every three years
  - b) A Screening Disclosure Form every three years
  - c) A Screening Renewal Form every year
  - d) A Vulnerable Sector Check once
22. 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**

23. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the discretion of Manitoba Rowing Association.
24. Orientation may include, but is not limited to: introductory presentations, facility tours, safe sport policy training, 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.
25. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
26. 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.
27. Monitoring may include but is not limited to: written or oral reports, observations, evaluations, tracking, electronic surveillance, and site visits.

### **Records**

28. 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. This includes protecting all records in accordance with the relevant and applicable privacy legislation.
29. The records kept as part of the screening process include but are not limited to:
- a) An individual's Vulnerable Sector Check
  - b) An individual's E-PIC (for a period of three years)
  - c) An individual's Screening Disclosure Form (for a period of three years)
  - d) An individual's Screening Renewal Form (for a period of one year)
  - e) Records of any conditions attached to an individual's registration by the Screening Committee
  - f) Records of any discipline applied to any individual by RCA, Manitoba Rowing Association, by a Member, or by another sport organization

### **Privacy**

30. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Manitoba Rowing Association’s Privacy Policy.
31. Manitoba Rowing Association or any of its delegates pursuant to this Policy (i.e., Screening Committee) shall comply with Manitoba Rowing Association’s Privacy Policy in the performance of their services under this Policy.

**Appendix A – Screening Requirements Matrix**

<b>Level</b>	<b>Description</b>	<b>Requirements</b>	<b>Examples</b>
<b>Level 1</b>	Individual that holds a decision-making position, involved in high risk assignments, occupies position of trust and/or authority, has a supervisory role, directs others, involved with finances, and who have frequent or unsupervised access to Vulnerable Individuals	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Complete and provide a VSC</li> <li>- Provide one reference related to the position</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> <li>- Provide a driver’s abstract, if requested</li> </ul>	Organizational staff, Case Managers, full-time coaches, coaches that travel with athletes, coaches that could be alone with athletes
<b>Level 2</b>	Individuals with direct athlete contact; 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	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Complete and provide an E-PIC</li> <li>- Provide one reference related to the position</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> <li>- Provide a driver’s abstract, if requested and relevant to the position</li> </ul>	Athletes, coaches, training staff, Athlete support personnel, Non-coach employees or managers, Directors, Coaches who are typically under the supervision of another coach, Umpires, Event organizing committee
<b>Level 3</b>	Individuals with no direct contact with athletes, 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	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> </ul>	Certain staff and board members, certain volunteers, Parents, youth, or volunteers who are helping out on a non-regular or informal basis

