



## CODE of CONDUCT and ETHICS

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### **POLICY STATEMENT:**

Nordic Combined Ski Canada (NCSC) is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Every individual has the right to participate in an environment that promotes equal opportunities and prohibits harassment, abuse and discrimination practices.

All athletes, coaches, team managers, officials, board members, committee members, volunteers and contractors have a shared responsibility to understand discrimination and harassment and their ramifications, and to ensure that all reasonable steps are taken to realize the goal of an organization that promotes a harassment, abuse and discrimination free sport environment.

This policy prohibits harassment, abuse and discrimination that may occur during NCSC business, activities and events, or when discrimination or harassment adversely affects relationships within the NCSC work and sport environment.

This Code of Conduct and Ethics is to be adopted alongside the Universal Code of Conduct to Prevent and Address Maltreatment in Sport version 5.1 (UCCMS) and sets expectations for how Individuals must manage their behaviours and interact with others.

**Policy Category:** Governance

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### **Related Policies:**

- Universal Code of Conduct to Prevent and Address Maltreatment in Sport version 5.1 (UCCMS)
  - Diversity and Inclusion Policy
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UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT (UCCMS) .....	<b>Error! Bookmark not defined.</b>

## Definitions

1. The following terms have these meanings in this Code:

- a) *"Abuse"* – As defined in the *Universal Code of Conduct to Prevent and Address the Maltreatment in Sport (UCCMS)*. However, it may also include the Abuse of any Individual, in which case the definition of Abuse and the provisions of the Abuse Policy shall apply *mutatis mutandis*.
- b) *"Affiliated Organization"* – Includes Provincial/Territorial Ski Jumping Organizations and Ski Jumping Clubs recognized by NCSC.
- c) *"Bullying"* - is offensive behaviour and/or abusive treatment of an Individual that typically, but not always, involves an abuse of power. Examples of behaviour that may constitute bullying include, but are not limited to:
  - i. Spreading malicious rumours, gossip or innuendos with the intent of causing harm or suffering to an Individual;
  - ii. Excluding or isolating an Individual socially with the intent of causing them harm or suffering;
  - iii. Making offensive jokes or derogatory comments to an Individual or to others;
  - iv. Yelling, verbally berating or using profanity;
  - v. Assigning unreasonable duties or workload which are unfavourable to an Individual or Individuals; or
  - vi. Any form of cyber bullying.
- d) *"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, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered, or any other identified grounds in the applicable Provincial/National Human Rights Legislation as may be amended from time to time.
- e) *"Individuals"* – refers to all categories of members and/or registrants defined in the Bylaws of NCSC and in the Bylaws of an Affiliated Organization, as well as all people contracted by, contracted by, or engaged in activities with NCSC and an Affiliated Organization including, but not limited to, employees, contractors, athletes, coaches, mission staff, chefs de mission, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
- f) *"Harassment"* – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - 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 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 may negatively affect performance;
  - vii. Tampering with equipment or personal belongings;
  - viii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking 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;
  - ix. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - x. Deliberately excluding or socially isolating a person from a group or team;
  - xi. Persistent sexual flirtations, advances, requests, or invitations;
  - xii. Physical or sexual assault;
  - xiii. 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
  - xiv. Retaliation or threats of retaliation against a person who reports harassment to NCSC or to an Affiliated Organization.
- g) "Sport Official": Refers to the person in charge of managing the case. In most cases, the Chair of NCSC will be the Official. If the Chair has been involved in the decision being appealed, the Executive of NCSC shall name another Official. This person can be anybody who has no involvement with the decision being appealed. The Official will act as the Case Manager. Note that "FIS Officials" refers to the officials certified by FIS and not included in the above definition;
- h) Management: The Board of Directors in an operational role or management role from time to time.
- i) "*Sexual Harassment*" – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identity 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 or words that negatively connote an Individual's sexual orientation or gender identity;
  - 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, or propositions; and Persistent unwanted contact.
- j) "*Workplace*" - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the office of NCSC or an Affiliated Organization, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment, and work-related conferences or training sessions.
- k) "*Workplace Harassment*" - Vexatious comment 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 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.
- l) "*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:
- i. Verbal or written threats to attack;
  - ii. Sending to or leaving threatening notes or emails;
  - iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
  - iv. Wielding a weapon in a Workplace;
  - v. Hitting, pinching or unwanted touching which is not accidental;
  - vi. Dangerous or threatening horseplay;
  - vii. Physical restraint or confinement;
  - viii. Blatant or intentional disregard for the safety or wellbeing of others;
  - ix. Blocking normal movement or physical interference, with or without the use of equipment;
  - x. Sexual violence; and
  - xi. Any attempt to engage in the type of conduct outlined above.

### **Purpose**

2. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of NCSC and its Affiliated Organizations by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values. NCSC and its Affiliated Organizations support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals are treated with respect, dignity and fairness.

### **Scope and Application**

3. In conjunction to this Code, NCSC has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, Version 5.1 (UCCMS). In the event of conflict between the two policies the UCCMS V5.1 shall prevail, if applicable.
4. This Code applies to Individuals' conduct during the business, activities, and

events of NCSC and its Affiliated Organizations and includes, but is not limited to, competitions, practices, training camps, travel associated with organizational activities, and any meetings that take place in person, by video conference, telephone and other communication platforms.

5. An Individual who violates this Code may be subject to sanctions pursuant to Clause #32. In addition to facing possible sanctions pursuant to the *Clause #32*, an Individual who violates this Code during a competition may be ejected from the competition or practice area, and the Individual may be subject to sanctions pursuant to that competition's policies.
6. This Code also applies to Individuals' conduct outside of the business, activities, and events of NCSC and its Affiliated Organizations when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of NCSC or an Affiliated Organization. Such applicability will be determined by NCSC or an Affiliated Organization, as applicable, at its sole discretion.

### **Responsibilities**

7. Individuals have a responsibility to:
  - a. Maintain and enhance the dignity and self-esteem of members and 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, officials, organizers, volunteers, employees, or members;
    - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
    - iv. Acting, when appropriate, 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, or Discrimination.
  - c. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, NCSC and its Affiliated Organizations adopt and adhere to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction, pursuant to the *Clause #32*. NCSC and its Affiliated Organizations will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by NCSC, an Affiliated Organization, or any other sport organization.
  - d. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping

- Code and recognized by the Canadian Centre for Ethics in Sport (CCES).
- e. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
  - f. Refrain from consuming, cannabis, or recreational (legal or illegal) drugs while participating in the programs, activities, competitions, or events of NCSC or an Affiliated Organization.
  - g. In the case of minors, not consume alcohol, recreational drugs, or cannabis at any competition or event.
  - h. In the case of adults, not consume cannabis or recreational drugs in the Workplace or in any situation associated with the events of NCSC or an Affiliated Organization (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 by refraining from becoming impaired.
  - i. Respect the property of others and not willfully cause damage.
  - j. Promote sport in the most constructive and positive manner possible.
  - k. When driving a vehicle with an Individual:
    - a. Have a valid drivers license for the country in which they are driving;
    - b. Not have his or her license suspended;
    - c. Not be under the influence of alcohol or illegal drugs or substances; and
    - d. Have valid car insurance.
  - l. Adhere to all federal, provincial, municipal and host country laws.
  - m. Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.
  - n. Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of NCSC and its Affiliated Organizations, as applicable and as adopted and amended from time to time.
  - o. Report any ongoing criminal investigation, conviction, or existing bail conditions involving an Individual to NCSC or to an Affiliated Organization, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal substance.

### **Directors and Committee Members**

- 8. In addition to clause #7 (above), Directors, Committee Members, and Contractors of NCSC and its Affiliated Organizations will have additional responsibilities to:
  - a. Function primarily as a Director or Committee Member or Contractors of NCSC or an Affiliated Organization (as applicable); not as a member of any other member or constituency.
  - b. Ensure their loyalty prioritizes the interests of NCSC or an Affiliated Organization, as applicable.
  - 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. Conduct themselves openly, professionally, lawfully and in good faith.
- f. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
- g. Behave with decorum appropriate to both circumstance and position.
- h. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
- i. Respect the confidentiality appropriate to issues of a sensitive nature.
- j. Respect the decisions of the majority and resign if unable to do so.
- k. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- l. Have a thorough knowledge and understanding of all governance documents.

Comply with the Nordic Combined Ski Canada Conflict of Interest Policy as listed under policies on the Nordic Combined Ski Canada website.

[www.skijumpingcanada.com/polocies](http://www.skijumpingcanada.com/polocies)

- 9. In addition to clause #7 (above), Management and Contractors will have additional responsibilities to:
  - a. Take steps to prevent and minimize any forms of bullying, harassment, discrimination, abuse, violence, and any improper activity or behaviour.
  - b. Develop, implement, and maintain appropriate processes and procedures for both reporting incidents and complaints as well as investigating incidents and complaints.
  - c. Ensure that Contractors have received appropriate training regarding awareness and prevention of bullying, harassment, discrimination, abuse, violence, or improper activities including, at a minimum, detailed review of all relevant policies.
  - d. Actively promote a respectful, welcoming and safe workplace environment.
  - e. Ensure all inappropriate behaviours such as bullying, workplace violence and harassment are duly reported to the appropriate individual(s) within NCSC.
  - f. Provide support as required on incident investigations and maintain confidential files for all complaints and subsequent investigations and disciplinary actions that may be taken.
  - g. Take steps to ensure that the necessary support is provided to any Individual, or group of Individuals, who has (or have) been treated in a manner that contravenes this Code.

### **Coaches**

- 10. In addition to clause #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, consciously or unconsciously. Coaches will:
  - a. Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability (including any medical exemptions), and fitness level of the involved 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 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 sports 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 *Doping Policy*.
- i. Report any ongoing criminal investigation, conviction, or existing bail conditions to NCSC or an Affiliated Organization, as applicable, including those for violence, child pornography, or possession, use, or sale of any illegal substance.
- j. Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol, cannabis, and/or tobacco.
- k. Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes.
- l. Not engage in a sexual or intimate relationship with an athlete.
- m. 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.
- n. Dress professionally, neatly, and inoffensively.
- o. Use inoffensive language, taking into account the audience being addressed.

## Training

11. NCSC Management will ensure that basic training is provided on the content of this Code to ensure that all staff and national team coaches and athletes:
  - a. Are aware of and fully comprehend the contents of the Code;
  - b. Are able to recognize bullying, harassment, and all other forms of inappropriate behaviour in the workplace or within the context of any NCSC activities, competitions or events;
  - c. Can properly respond to and report any incidents that may constitute a violation of the Code; and
  - d. Are familiar with how incidents are responded to, investigated and the potential

forms of discipline.

### **Athletes**

12. In addition to clause #7 (above), athletes will have additional responsibilities to:
  - a. Report any medical problems High Performance Director in a timely fashion, when such problems may limit their ability to travel, practice, or compete.
  - b. Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, and events.
  - c. 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.
  - d. Adhere to any rules and requirements regarding clothing and equipment.
  - e. Act in a sportsmanlike manner and not display appearances of violence, foul language, or disrespectful gestures to other athletes, officials, coaches, or spectators.
  - f. Dress to represent the sport and themselves well and with professionalism.
  - g. Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers.
  - h. Each year sign and adhere to the current *Nordic Combined Ski Canada Athlete Agreement*.

### **FIS Officials**

13. In addition to clause #7 (above), officials will have additional responsibilities to:
  - a. Maintain and update their knowledge of the rules and rule changes in line with the national ski federation (FIS) requirements for FIS officials.
  - b. Not publicly criticize other officials.
  - c. Work within the boundaries of their position's description while supporting the work of other officials.
  - d. Act as an ambassador of the sport of Ski Jumping by agreeing to enforce and abide by national and provincial rules and regulations.
  - e. Take ownership of actions and decisions made while officiating.
  - f. Respect the rights, dignity, and worth of all Individuals.
  - g. Act openly, impartially, professionally, lawfully, and in good faith.
  - h. Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others
  - i. Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals.
  - j. Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or association at the earliest possible time.
  - k. When writing reports, set out the actual facts.
  - l. Dress in proper attire for officiating.

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

14. In addition to clause #7 (above), parents/guardians and spectators at events will:
  - 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 for making a mistake during a competitive event or training.
  - d. Provide positive comments that motivate and encourage participants' continued effort.
  - e. Respect the decisions and judgments of officials and, encourage athletes to do the same.
  - f. Never question an official's or contractor member's judgment or honesty.
  - g. Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm.
  - h. Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers.
  - i. Not harass competitors, coaches, officials, parents/guardians, or other spectators.

### **Policy Application**

15. These procedures and policies apply at the national level of NCSC and extend to the Chair and Board of NCSC and Board Committees, athletes, coaches and support contractors who are part of the National Ski Jumping Team, including those on temporary status for trips and training and all other individuals engaged in activities with or employed by NCSC. All provincial ski jumping associations and clubs shall have in place policies and procedures to deal with harassment arising within the activities of those organizations.

### **Minors**

16. NCSC recognizes that minors (individuals under the age of majority) may be involved as either the complainant, harasser or as a witness. In all cases involving minors, one of the parents/guardian of that minor or an adult designated by the parent/guardian will be present for all discussions with the minor.

### **Confidentiality**

17. NCSC recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. NCSC recognizes the interest of both the complainant and the respondent to keep the matter confidential, except where such disclosure is required by law. This shall not preclude publication of the final outcome of any matter.

### **Representation**

18. Any party to a complaint has the right to be represented at all times by a person of his/her choice, including legal counsel (at the party's own expense).

### **Complaint Procedure**

19. A person who experiences harassment, abuse or discrimination is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to NCSC policy.
20. If confronting the harasser is not desirable, or if after confronting the harasser the harassment, abuse or discrimination continues, the complainant may request a meeting with the Chair, NCSC. The role of the Chair is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the Chair considers that he/she is unable to act in this capacity, the complainant shall be referred to another NCSC Board member. The Chair or his/her delegate shall hereinafter be referred to as the "Official". The complainant also has the option of to call the **Helpline** and the operator deems that the situation does not fall under the organization's purview, they may refer the complainant to the independent third-party at the Canadian Snowsports Association (CSA) 604-734-6802 or 1-888-83-SPORT (77678) and by email at [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca) <https://skijumpingcanada.com/safe-sport/>
21. All NCSC officials, contractors and coaches who witness behaviour that may constitute harassment, abuse or discrimination or who otherwise becomes aware that harassment, abuse or discrimination may be taking place are required to report it in accordance with the prescribed complaint procedure.

### **Complaint Evaluation Procedure**

22. The Official who meets with the complainant will inform the complainant of the procedures under this policy. The initial meeting will have one of three possible outcomes:
  - a. The complainant and the Official agree that the behaviour in question does not constitute harassment and the matter will be closed;
  - b. The complainant brings evidence indicating that harassment, abuse or discrimination may have occurred and chooses to pursue an informal resolution of the complaint. The Official will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties, and if appropriate, the Official may also seek the assistance of a neutral mediator. If negotiation fails to satisfy the complainant, the complainant may then proceed to lay a formal written complaint; or
  - c. The complainant brings evidence indicating that harassment may have occurred and decides to lay a formal written complaint.

### **Formal Complaint Process**

23. Once the decision to pursue a formal complaint has been made, the Official will assist the complainant to draft a formal written complaint. The complaint will set out the details of the incident(s) and the names of any witnesses and will be signed by the complainant and dated.
24. Upon receipt of the complaint (within 24 hours), the Official will deliver a copy of the signed complaint to the respondent and inform the respondent of the procedures

under this policy. The Official may assist the respondent in preparing a written or verbal response.

### **Hearing Panel**

25. Upon receipt of the complaint, the Official (if not the Chair) shall forward the complaint to the Chair of NCSC. The Chair shall within two (2) days appoint three (3) individuals to a Hearing Panel. Those individuals will have no significant relationship with the affected parties, will have no involvement with the decision being appealed and will be free from any other actual or perceived bias. The Panel's members will select from themselves a Chairperson.

### **Preliminary Matters**

26. The Panel shall meet within five (5) days of appointment (conference may be conducted by phone, video conferencing, etc.) to determine various preliminary matters depending on the circumstances of the complaint. The issues that may be considered include:

- a. The format of the hearing, as the hearing may proceed by a review of documentary evidence, an in-person hearing, an oral hearing by telephone or a combination of these methods. The Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;
- b. Clarification of issues in dispute and of evidence to be provided;
- c. The date and location (if in-person) of the hearing, the order and procedure of the hearing and identification of witnesses; and
- d. Any other procedural matter which may assist in expediting the hearing.

### **Procedure for an Oral Hearing**

27. Where the Panel has determined that the hearing shall be held by way of oral hearing, whether in person, by telephone, or by video conferencing, the Panel shall govern the hearing by such procedures as it deems appropriate and fair subject to the following provisions:

- a. The hearing shall be held within 21 days of the Panel's appointment;
- b. The parties involved shall be given ten (10) days written notice of the date, time, format and place of the hearing;
- c. The parties shall receive copies of the complaint, response and any other available evidence;
- d. If the decision of the Panel may affect another party to the extent that the other party would have recourse to a hearing in their own right, that party shall become a party to the hearing in question; and
- e. Decisions shall be by a majority vote, where the Chairperson carries a vote. In the event that a Panel member is unable or unwilling to continue with the process once initiated, the matter will be concluded with the remaining Panel members. In the event of a split decision in a two-member Panel, the Chairperson's vote shall be decisive.

### **Procedure for a Documentary Hearing**

28. Where the Panel has determined that the hearing shall be held by way of documentary review, it shall govern the hearing by such procedures as it deems appropriate and fair, subject to the following provisions:
- a. All parties must be given a reasonable opportunity to review any evidence, to provide written submissions to the Panel, to review written submissions of the other parties, to provide written rebuttal and to provide written arguments; and
  - b. The applicable principles and timelines set out in Section 27 must be respected.

### **The Panel Decision**

29. Within fourteen (14) days of concluding the hearing, the Panel shall present its written decision, with copies provided without delay to the Chair (NCSC), the complainant and the respondent. The decision shall contain:
- a. A summary of the relevant facts;
  - b. A determination of whether the behaviour in question constitutes Harassment as defined in this policy;
  - c. If the complaint is found to be valid, a determination of disciplinary action to be taken against the respondent; and
  - d. If appropriate, measures to remedy or mitigate any harm or loss suffered by the complainant.
30. If the Panel determines that the allegations of harassment, abuse or discrimination are fabricated, frivolous or vexatious, it may be determined that disciplinary action shall be taken against the complainant. However, a finding of no harassment, abuse or discrimination is not sufficient grounds of itself for such action against the complainant.

### **Sanctions**

31. In the event the Panel finds that Harassment has occurred, the Panel shall, make the determination for disciplinary action, considering factors such as:
- a. The nature of the harassment, abuse and discrimination;
  - b. Whether the harassment or abuse involved any physical contact;
  - c. Whether the harassment, abuse and discrimination was an isolated incident or part of an ongoing pattern;
  - d. The nature of the relationship between the complainant and the respondent;
  - e. The age of the complainant;
  - f. Whether the complainant has been involved in previous harassment, abuse and discrimination incidents;
  - g. Whether the harasser admitted responsibility and expressed a willingness to change; and
  - h. Whether the harasser retaliated against the complainant.
32. In directing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment, abuse or discrimination;
- a. An oral or written apology;
  - b. A letter of reprimand from the NCSC Board;
  - c. A fine or levy;
  - d. Referral to counselling;

- e. Suspension from training and/or competition for a specified period or, in an extreme case, permanently;
  - f. Temporary suspension with or without pay;
  - g. Termination of employment or contract; and
  - h. Expulsion from membership.
33. The Chair of NCSC will be responsible for enforcing the disciplinary sanctions as determined by the Panel.

#### **Record of Panel Decision**

34. Where the Panel finds that harassment has occurred, a copy of the Panel's decision shall be filed in the NCSC National Office in the harassment, abuse and discrimination file. Unless overturned on appeal, the decision shall be retained on file for a period of ten (10) years.

#### **Need for Immediate Action**

35. Harassment, abuse and discrimination complaints arising during training trips or competition trips may be dealt with immediately, if necessary, by a NCSC representative in a position of authority, provided the individual being disciplined has been informed of the nature of the complaint and has been given an opportunity to respond to the allegation. If the representative concludes that the complaint is valid and immediate action is appropriate, sanctions may be imposed for the duration of the trip or competition only. Further sanctions may be applied but only after review of the matter in accordance with procedures set out in this policy. This review does not replace the appeal provisions of the policy.

#### **Appeal Procedure**

36. Both the complainant and the respondent have the right to appeal the finding of the Hearing Panel according to the NCSC Appeal Policy. An appeal may be heard only if there are sufficient grounds for the appeal as set out in that policy.

#### **Fraudulent or Malicious Complaints**

37. The *Nordic Combined Ski Canada Code of Conduct and Ethics Policy* and the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* must never be used to bring fraudulent or malicious complaints against individuals as unfounded or frivolous allegations of bullying, harassment, discrimination, violence, abuse, or improper activities or behaviours may cause both the accused individual and the organization significant harm.
38. If the organization determines that an individual has knowingly made false statements about another individual regarding any inappropriate behaviour described in the Code, then an investigation, will immediately ensue regarding the dishonest statements with appropriate disciplinary actions taken as determined by the outcome of the investigation.