

## Code Of Conduct

### A. CODE OF ETHICS

#### Introduction:

Norfolk Hammerhead Aquatic Club is recognized as NHAC. A member is any swimmer, a swimmer's parent or guardian, a coach or any other person that is reasonably associated with the Norfolk Hammerheads Aquatic Club. The Corporation is the Norfolk Hammerheads Aquatic Club.

The purpose of this Code of Ethics is to establish and maintain standards for members of the Corporation and to inform members of the public using their services.

Ethical standards comprise such values as integrity, responsibility, competence and confidentiality. Members of the Corporation, in assenting to this Code, accept their responsibility to swimmers, colleagues, the Corporation, Swimming/Natation of Canada ("SNC"), and to society. In pursuit of these principles, members subscribe to standards in the following areas:

Issues of Responsibility; and  
Issues of Competence.

This Code of Ethics is a framework within which to work. It is a series of guidelines rather than a set of instructions.

#### ISSUES OF RESPONSIBILITY

Coaching is a deliberately undertaken responsibility, and members are responsible for the observation of the principles embodied in this Code of Ethics.

##### Humanity

Members should endeavor to respect the rights, dignity and worth of every human being and their ultimate right to self determination. Specifically, members should endeavor to treat everyone equally, within the context of their activity, regardless of sex, ethnic origin, religion or political persuasion.

##### Relationships

The well being, health and future of the swimmer should be of primary concern to the members.

A key element in a coaching relationship is the development of independence. Swimmers should be encouraged to accept responsibility for their own behavior and performance in training, in competition, and in their social life.

Members, in conjunction with parents and officials, shall set and monitor boundaries between a working relationship and friendship with their swimmers. This is particularly important when the coach and swimmer are of opposite sex and/or when the swimmer is a young person. The coach should realize that certain situations or friendly actions could be misinterpreted, not only by the swimmer, but also by outsiders motivated by jealousy, dislike or mistrust, and could lead to allegations of misconduct or impropriety.

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##### Commitment

Members shall clarify in advance with club officials, and/or parents and/or swimmers the number of sessions, fees (if any) and method of payment. They shall also explore with club officials and/or parents and/or swimmers the expectations of the outcome of coaching.

Members have a responsibility to declare to their employers any other current coaching commitments.

##### Conflicts of Interest

Members who become aware of a conflict between their obligation to their employers and/or swimmers and their obligation to the Corporation, or other organization employing them shall make explicit the nature of the conflict, and the loyalties and responsibilities involved, to all parties concerned.

Directors of the Corporation shall declare to the Board any actual or perceived conflict of interest pertaining to any matter undertaken

by the Board and/or the Corporation, previous to said undertaking. The Board may determine necessary action regarding any conflict of interest.

Confidentiality does not preclude the disclosure of information, to persons who can be judged to have a 'right to know' when relevant to the following as determined by the board.

(a) Evaluation of the swimmer within the sport for competitive selection purposes;

(b) Recommendations concerning swimmers for professional purposes;

(c) Pursuit of disciplinary action involving swimmers within the sport;

(d) Pursuit of disciplinary action by the Corporation involving fellow coaches in alleged breaches of this Code of Ethics and Conduct, or matters pertaining to the health and/or safety of the swimmer;

#### Abuse of Privilege

Members are privileged on occasion, to have contact with swimmers and to travel and reside with swimmers in the course of coaching and competitive practice. Members shall not attempt to exert undue influence over the swimmer in order to obtain personal benefit or reward.

Coaches and any other employee or member of the NHAC shall conduct themselves in an appropriate manner at all times especially when in the presence of other members of the team and swimmers.

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It is recognized that coaches and the swimmers have a close relationship, and therefore the following conduct requirements are established for coaches to follow:

1. Coaches shall not use any language that could in any way be interpreted in a sexual or other inappropriate manner.
2. Coaches shall not use the same change room as the swimmers wherever possible. Coaches shall use a "family change room" or other appropriate facility whenever available.
3. Coaches shall ensure that a coach and a swimmer are not secluded from public view while together.
4. Coaches shall not transport swimmers in vehicles for any reason (other than emergency) without the written permission of the swimmer's parent.
5. Coaches shall not engage in social activities with the swimmers without the continuous presence of another adult or the written permission of the swimmer's parent.

#### 6. Personal Standards

Members are expected to consistently display high personal standards and project a favorable image of their sport and of coaching to swimmers, other coaches, officials, club administrators, spectators, the media and the general public.

Personal appearance is a matter of individual taste but the member should feel obliged to project an image of health, cleanliness, and functional efficiency.

The use of tobacco, alcohol, or drugs should be consistent with high moral, ethical, legal and physical standards of the profession of coaching. Their use should not interfere with any individual from functioning completely and responsibly.

#### Safety

Members have a responsibility to ensure the safety of the swimmers with whom they work as far as possible within the limits of their control. All reasonable steps should be taken to establish a safe working environment.

The work done and the manner in which it is done should be in keeping with regular and approved practice within that sport. The activity being undertaken should be suitable for the age, experience and ability of the swimmers.

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## 6. Corporation Unity

The Board of Directors and its Chairman are charged with the administration of the Corporation, management of all aspects of the club operation, establishing and maintaining philosophies, policies and procedures and advising outside groups in the best interests of swimming and the Corporation. Notwithstanding, it is the right of any member(s) to speak in contradiction or support of any policy, procedure or decision of the Board, its Chairman and/or the membership.

It shall, however, be a breach of the Code of Ethics for any board member of a group of members to propound a philosophy, policy or decision, in contradiction of the Corporation, of a rule, policy or decision, when said member(s) is/are perceived to be acting as the voice of 'coaches' and/or the Corporation.

### ISSUES OF COMPETENCE

It would be preferable if coaches confine themselves to practice in those fields of coaching in which they have been trained/educated, and which are recognized by Corporation to be valid. Valid areas of expertise are those directly concerned with coaching swimming. Training is certification at Level 1, or higher by the Coaching Association of Canada under the Coaches Certification Program or equivalent, and also includes the accumulation of knowledge and skills through both formal coach education courses and by experience at a level of competence acceptable for independent coaching practice.

Members are expected to recognize and accept when to refer swimmers to other agencies. It is their responsibility, as far as possible, to verify the competence and integrity of the person to whom they refer a swimmer.

Members should regularly seek ways of increasing their professional development and self-awareness.

Members should welcome evaluation of their work by colleagues and be able to account to employers and colleagues for their actions, when/if deemed necessary.

Members have a responsibility to themselves and their swimmers to maintain their own effectiveness, resilience and abilities, and to know when their personal resources are so depleted as to make it necessary for them to seek help and/or withdraw from coaching, whether temporarily or permanently.

## B. CODE OF CONDUCT

### Introduction

This Code of Conduct is intended to provide more specific information and guidance in the implementation of the principles embodied in the Code of Ethics and the Rights and Responsibility Agreement signed by swimmers and head coach.

Members should adhere at all times to standards of personal and professional behavior which reflect credit on the Corporation and the whole process and practice of coaching swimming.

It is impossible to specify in precise terms all those actions which could be deemed to be prejudicial to the practice of coaching swimming and the best interests of the Corporation. The following provide an indication of the types of incident that are likely to be considered as breaches of this section of the Code:

#### Public Criticism of Colleagues

Members, ideally, should refrain from criticism of fellow coaches, swimmers, parents, and/or officials particularly to and/or through the media. When public comments are made, members have an obligation to ensure such comments are made judiciously, reflective of the facts, supportable and sensitive to the situations(s). Differences of opinion should be dealt with on a personal basis and more serious disputes may be referred to the Corporation.

#### Misrepresentation

Members should ensure that they do not in any way misrepresent their qualifications, affiliations, or professional competence to any client or prospective client or in any publication, broadcast, lecture or seminar. Misrepresentation, after due consideration by the Corporation, could be regarded as a breach of this Code.

### Commitment

When Members enter into a commitment with an employer, with a team, with an individual swimmer, the nature of that commitment should be specifically agreed to. Any such contract or terms of reference should be set out in writing and include fees (if any) and method of payment, the time commitment involved, and an indication of the expected outcome of coaching.

### Confidentiality

Members should not divulge confidential information relating to a swimmer, other than that specified in section 1.19 of the Code of Ethics, to any third party unless with the express approval of the individual concerned.

### Criminal Conviction

Any conviction of a member by a court of law is capable of reflecting adversely on the profession and the Corporation. Cases of a minor personal nature are likely to be regarded as breaches of this Code.

### Disciplinary Proceedings by a members Employer

Disciplinary proceedings by an employer leading to dismissal from employment connected with coaching could be regarded as a breach of this Code. Other disciplinary proceedings by an Employer (e.g. reprimand) will not normally be considered as a breach of this Code unless the circumstances are sufficient to found a complaint under another section.

### Personal Misconduct

Personal misconduct could give rise to disciplinary action by the Corporation. Examples of such personal misconduct could include but may not be limited to willful damage to property or equipment; theft; falsification of reports or accounts; breach of confidentiality; violence; misuse of alcohol or drugs; dishonesty; or indecency.

### Reciprocal Suspensions

Members should expect suspensions imposed by the Federation Internationale de Natation Amateur, the Aquatic Federation of Canada, SBC or CSCA to be recognized, honoured and upheld by CSCA and by all members of CSCA; provided such suspensions were justly imposed, and the Corporation is satisfied the suspended member's rights to due process were not violated.

### Swimmers

Swimmers are expected to display proper respect for their coaches, fellow swimmers, officials and other persons in positions of authority. This includes: following instructions, use of appropriate language, refraining from unnecessary and in appropriate physical contact, and encouragement of team-mates and visiting teams.

### Complaints

The Board of Directors will address written and signed complaints related to violations of the previous section as may be submitted by coaches and/or other members.

### POLICE CHECKS

All Norfolk Hammerhead Aquatic Club (NHAC) Head Coaches, Assistant Coaches, Trainers, Board Members, volunteers or any other coaching staff member must have Police Checks done every year. NHAC will accept a completed police check by an applicant provided it has been done within the last four months.

Head Coaches Assistant Coaches, Trainers, Managers, or any other coaching staff must have their Police Check request signed and submitted prior to September 30th of each swim year.

If the Police Check is not done by this time the staff member will not be allowed to work until the Police Check is submitted to SDMHA.

The Police Check will be kept on file for that year. The Police Check will be forwarded to the NHAC Board of Directors. The Board of Directors may ask all questions necessary to make the proper decision regarding the suitability of the candidate.

The Board reserves the right to interview without deeming the check "questionable". Only those coaches who have a questionable

Police check need an interview with the Ethics/Hr Directors and/or Adhoc Committee . A Coach has the right to appeal this decision back to the Board of Directors within 10 days.

## HARASSMENT AND ABUSE POLICY

Purpose, scope and application of the policy

Norfolk Hammerheads Aquatic Club is committed to providing a sport and work environment that promotes equal opportunities and prohibits discriminatory practices. Harassment is a form of discrimination that is prohibited by human rights legislation in Canada . In its most extreme forms, harassment can be an offence under Canada 's Criminal Code. This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of NHAC. It applies to harassment that may occur during the course of all NHAC business, activities and events. This policy shall not prevent a person in authority from taking immediate, informal, corrective disciplinary action in response to behavior that, in their view, constitutes a minor incidence of harassment.

### Harassment

Harassment is defined as conduct that is insulting, intimidating, humiliating, offensive or physically harmful. Types of behavior which constitute harassment and abuse include, but are not limited to:

- Unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation, condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance, practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance.
- Unwanted or unnecessary physical contact including touching, patting or pinching.
- Unwelcome flirtation, sexual advances, requests or invitations.
- Any form of hazing.
- Any form of physical assault.
- Any sexual offence including sexual assault.
- Behaviors such as those described above which are not directed towards individuals or groups but which have the effect of creating a negative or hostile environment.

In the case of minors, abuse and neglect are as defined in Ontario 's child protection legislation.

Those found to be in violation of the Harassment and Abuse policy shall be subject to Rule III.

## C. PROCEDURES POLICY

The Corporation has the inherent power and duty to prescribe standards of conduct for its membership, and, to determine what constitutes grounds for the discipline of members, and to suspend, terminate membership, or otherwise reprimand any member whose failure to comply with the obligations of the Corporation has been duly established. The discipline of members is for the protection of the profession, and the maintenance of the standards and principles of the Corporation.

### Definitions

The following definitions shall apply wherever used in the Code of Ethics:

**Charges:** A written statement prepared as a result of an investigation of a complaint by the Board of Directors.

**Code:** The Code of Ethics and Code of Conduct of the Corporation as adopted by the Corporation, together with such amendments thereto as may from time to time be approved by the Corporation.

**Complainant:** Any person who makes a complaint.

**Complaint:** Any written and signed statement made by any person alleging conduct on the part of a member which, if true, would constitute Misconduct.

**Misconduct:** Any act or omission by a member individually or in concert with any other person, which is prejudicial to the practice of coaching swimming and the best interests of the Corporation and in violation of the principles embodied in the Code, whether the act or omission occurred in the course of an association relationship or otherwise.

## RULE 1 – JURISDICTION

(A) Every member admitted to membership in the Corporation is subject to the exclusive disciplinary jurisdiction of the Association.

#### RULE II – GROUNDS FOR DISCIPLINE

(A) It should be the duty of all members of the Corporation to at all times conduct themselves, both professionally and personally, in conformity with the standards imposed upon members as conditions for that privilege.

(B) Misconduct must be grounds for discipline.

#### RULE III – TYPES OF DISCIPLINE

(A) Misconduct must be grounds for:

(1) Termination of membership by the Corporation; and/or

(2) Suspension by the Board of Directors for a fixed period of

time; and/or

(3) Reprimand by the Board of Directors.

#### RULE IV \_ THE BOARD OF DIRECTORS:

(A) The Board of Directors shall have the following powers and duties:

(1) In its discretion, render to a member upon his written request an advisory opinion or an interpretation of the rules of professional conduct under the Code regarding anticipatory conduct on the part of the member.

(2) Make appropriate arrangements for publication and dissemination of such advisory opinions as the Board deems general interest to the members.

(B) The Board of Directors shall have the following disciplinary powers and duties:

(1) Review all Complaints and Charges presented to it by the Corporation and its members;

(2) Notify a member in writing that he/she is the subject of a Complaint and furnish him/her with a copy thereof within fifteen days of receipt of the Complaint.

(3) Conduct its own investigation of all Complaints.

(4) Dismiss any Complaints upon being satisfied that they are without foundation and merit.

(5) Investigate, on its own motion, any act of unprofessional conduct of a member. Issue a reprimand if the Complaint indicates a matter not appropriate for a suspension or termination of membership.

(6) Suspend a member is so approved by a vote of three quarters of the members of the Board of Directors.

(7) Bring the membership of a suspended member before the Corporation of all disciplinary matters for each 12-month period. Such report shall include the following information:

(a) Number of members complained against,

(b) The general nature of the Complaint,

(c) The disposition or status thereof.

## RULE V – PROCEDURE

(A) All Complaints must be directed to HR/Ethic Director (s) and/or adhoc committee.

(B) All Complaints received by any other person shall be transmitted forthwith to the HR/Ethic Director(s)

(C) All investigations shall normally be initiated by the HR/Ethic Director (s) and/or adhoc committee.

(D) When it appears to the HR/Ethic Director(s) that allegations of misconduct fail to describe conduct which, if true, would constitute Misconduct, the HR/Ethic Director(s) may decline to further investigate and shall so advise the Complainant in writing with a proper explanation, whenever possible, within fifteen days of its receipt. All doubts shall be resolved in favour of an investigation.

(E) If it appears to the HR/Ethic Director (s) that allegations of misconduct do describe conduct which, if true, would constitute Misconduct, the Board shall notify the member against whom the allegations are directed that he is the subject of a Complaint, and within fifteen days of its receipt furnish him/her with a copy of the complaint – excluding name of writer thereof by registered mail, return receipt requested. (F) Upon receipt of notice of a Complaint from the HR/Ethic Director (s), the member against whom the Complaint is directed shall prepare and submit to the Boards, in writing, within fifteen days of receipt of such notice, an appropriate response to the Complaint, or a response stating that he/she refuses to answer substantively and explicitly. For good cause, the Board of Directors may grant additional time for the filing of a response.

(G) If, upon conclusion of any investigation, the HR/Ethic Director (s) determines there are not reasonable grounds for discipline of a member against whom a Complaint is directed, the Board shall dismiss the Complaint and shall so advise the Complainant in writing with proper explanation.

(H) If, upon conclusion of any investigation, HR/Ethic Director (s) the Board of Directors determines there are reasonable grounds for discipline of a member against whom a Complaint is made or procedures could be implemented to elevate the issue from reoccurring, HR/Ethic Director (s) shall then call an AdHoc Committee and/or notify the executive committee of the findings. The Board shall reduce the Complaint to Charges specifying with particularly the facts which constitute the basis thereof and the principles of the code which appear to have been violated and:

(1) Determine that the Charges, if true, would not constitute Misconduct and dismiss the Charges.

(2) Determine that the Charges, if true, would constitute Misconduct, but would not constitute grounds for suspension or termination of the membership of the member and thereupon prepare and issue to the member a reprimand which shall be made a permanent part of the file of the Corporation and referred to in any subsequent investigation of a Complaint against the member.

(3) Determine that there are reasonable grounds to suspend the member and suspend the member for a fixed period of time by vote of three-quarters of the members of the Board of Directors.

(4) Where a member has been suspended, bring the membership of such member before the next annual meeting of the Corporation for termination or reinstatement. The membership of such member may be terminated by a vote of three quarters of the members at such annual meeting provided that the member has been given adequate notice of the allegations against him and granted an opportunity to be heard at such meeting.

(5) Determine that there are sufficient grounds to terminate the membership of the member before the next annually meeting of the Corporation or a special meeting called for such purpose. The membership of such member may be terminated by a vote of three-quarters of the members at such annual or special meeting provided that the member has been given adequate notice of the allegations against him/her and granted an opportunity to be heard at such meeting.

Note: Upon seeking legal advice it has been determined that the HR/Ethic Director(s) and/or Adhoc committee may determine if and when it would be suitable to release the name of the complainant.

AdHoc Committee: Minimum of 5 and maximum of 7 sampling of members currently registered with the club to review issues as directed by the board.