

NYAC **SWIMMING**

Toronto Pan Am Sports Centre
875 Morningside Avenue, Suite 2032
Toronto, Ontario
M1C 0C7

CODE OF CONDUCT AND ETHICS

Adopted June 16, 2020

CODE OF CONDUCT AND ETHICS

(“CODE OF CONDUCT”)

This Code of Conduct covers anyone participating in NYAC sanctioned activities and describes how individuals are expected to act as representatives of NYAC. Individuals may be subject to the provisions of Swim Ontario and Swimming Canada’s Code of Conduct, as necessary. This Code of Conduct defines the appropriate actions and conduct of people participating in a NYAC sanctioned activity.

This Code of Conduct has been adapted from Swimming Canada’s Code of Conduct and Professional Ethics Policy and Swim Ontario’s Comprehensive Code of Conduct and Ethics and Club Operations Manual.

Definitions

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

- a) *“Individuals”* – All categories of membership defined by the Bylaws of the North York Aquatic Club (NYAC) as well as all individuals, registered, employed by, or engaged in activities with, NYAC including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of NYAC.
- b) *“Discrimination”* – an action or a decision that treats a person or a group negatively for reasons such as their race, gender, age, disability or other protected ground under the Human Rights Code (Ontario)
- c) *“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. 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;
 - 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 NYAC.
- d) *Penalties*: Individuals may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time without probation, fined or expelled from NYAC if behaviour is not within the Code of Conduct. Penalties include those identified in other NYAC policies and procedures
- e) *“Workplace”* - Any place where business or work-related activities are conducted. Workplaces include but are not limited to, NYAC’s office, work-related social functions, work assignments outside NYAC’s offices, work-related travel, the training and competition environment, and work-related conferences or training sessions
- f) *“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.
- g) *“Sexual Harassment”* – A course of vexatious comment 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, or propositions; and
 - xv. Persistent unwanted contact.
- h) "*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 NYAC's programs, activities, and events) by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with NYAC's core values that include fairness, integrity, open communication mutual respect and accountability. NYAC supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment consistent with its core values. Where there is inappropriate behaviour, Penalties may apply.

Application of this Code

3. This Code applies to Individuals' conduct during NYAC's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with NYAC's activities, NYAC's office environment, any work-related meetings or social media postings, in each case, of, or on behalf, of NYAC.
4. This Code also applies to Individuals' conduct outside of NYAC's business, activities, and events when such conduct adversely affects relationships within NYAC (and its work and sport environment) and is

detrimental to the image and reputation of NYAC. Such applicability will be determined by NYAC at its sole discretion.

5. Conduct that violates this Code of Conduct is subject to Penalties, including those identified in other NYAC policies and procedures. In addition to facing possible Penalties, an Individual who violates this Code during a competition may be ejected from the competition or the playing area, the official may delay the competition until the Individual complies with the ejection, and the Individual may be subject to any additional discipline associated with the competition.

Responsibilities

6. All Individuals have a responsibility to:
 - a) Maintain and enhance the dignity and self-esteem of NYAC's 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, NYAC adopts 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 Penalties. NYAC will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by NYAC , Swimming Canada, Swim Ontario 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 alcohol, tobacco products, or recreational drugs while participating in NYAC's programs, activities, competitions, or events. In the case of adults, not consume cannabis in the Workplace or in any situation associated with NYAC's events (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 associated with NYAC's events
 - g) Use social media responsibly, modeling appropriate behaviour that is expected of representatives of NYAC
 - h) Respect the property of others and not wilfully cause damage
 - i) Promote the sport in the most constructive and positive manner possible
 - j) When driving a vehicle with an Individual:

- i. Not have his or her license suspended;
 - ii. Not be under the influence of alcohol or illegal drugs or substances; and
 - iii. Have valid car insurance
- k) Adhere to all federal, provincial, municipal and host country laws
- l) 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
- m) Comply, at all times, with NYAC's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

Directors, Committee Members, Staff and Management

7. In addition to section 6 (above), NYAC's Directors, Committee Members, and Staff will have additional responsibilities to:

- a) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of NYAC's business and the maintenance of Individuals' confidence
- b) Ensure that NYAC's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
- c) Conduct themselves transparently, professionally, lawfully and in good faith in the best interests of NYAC
- d) Be independent, impartial, and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
- e) Behave with decorum appropriate to both circumstance and position
- f) Keep informed about NYAC's activities, the sport community, and general trends in the sectors in which it operates
- g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which NYAC is incorporated
- h) Respect the confidentiality appropriate to issues of a sensitive nature
- i) Respect the decisions of the majority and resign if unable to do so
- j) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
- k) Have a thorough knowledge and understanding of all NYAC's governing documents
- l) Conform to the bylaws and policies approved by NYAC.

In addition, the NYAC operational leads/members of NYAC management must additionally be responsible for the following:

- m) ensure that all athletes participating in sanctioned competitions are registered Members (as such term is defined in NYAC's Bylaws), in good standing of NYAC and have signed all forms required by Swimming/Natation Canada (SNC) and Swim Ontario, as necessary
- n) ensure that all coaches of NYAC join SNC, Swim Ontario, the Ontario Swim Coaches Committee (OSCC), and the Canadian Swimming Coaches and Teachers Association (CSCTA) as coach members, as necessary
- o) ensure that all officials of NYAC join and sign all forms required by SNC and Swim Ontario
- p) operate on an ethical foundation including, but not limited to, engaging only authorized coaching personnel and non-sanctioned athletes, and ensuring all participants are properly registered with NYAC and the appropriate governing bodies

Coaches

8. In addition to section 6 (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, 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 medical 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) Report to NYAC any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
 - i) 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
 - j) 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
 - k) Not engage in a sexual relationship with an athlete under the age of majority;
 - l) Disclose any sexual or intimate relationship with an athlete over the age of majority to NYAC and immediately discontinue any coaching involvement with that 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

Athletes

9. In addition to section 6 (above), athletes will have additional responsibilities to:
- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete and refrain from attending practices, competitions or training camps, as required. This includes any restrictions or advice imposed or recommended by public health authorities during a pandemic or outbreak related to public health as well as any additional recommendation from NYAC in response to a pandemic or public health issue;

- b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, 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 NYAC's rules and requirements regarding clothing and equipment
- e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or 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 NYAC's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

Officials

10. In addition to section 6 (above), officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rules changes
- b) Work within the boundaries of their position's description while supporting the work of other officials
- c) Act as an ambassador of NYAC by agreeing to enforce and abide by national and provincial rules and regulations
- d) Take ownership of actions and decisions made while officiating
- e) Respect the rights, dignity, and worth of all Individuals
- f) Not publicly criticize other officials or any club or association
- 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
- m) Be bound by the Official's Section of the "Swim Ontario Comprehensive Code of Conduct and Ethics"

Parents/Guardians, Volunteers and Spectators

11. In addition to section 6 (above), parents/guardians, volunteers 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) Respect the decisions and judgments of officials, and encourage athletes to do the same
- d) Support efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm
- e) Respect all competitors, coaches, officials and other volunteers
- f) Not harass competitors, coaches, officials, volunteers, parents/guardians, or other spectators
- g) Report incidents of exposure to contagious disease to the NYAC office