


**ONTARIO SOCCER**  
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# **ONTARIO SOCCER**

# **NEW CODE OF CONDUCT AND**

# **ETHICS POLICY**

March, 2018

## **ONTARIO SOCCER CODE OF CONDUCT AND ETHICS**

*This policy has been prepared by Ontario Soccer and this Policy is applicable to Ontario Soccer and its Affiliate Organizations. This document cannot be modified by any Affiliate Organization without consultation and approval from Ontario Soccer.*

### **Definitions**

1. The following terms have these meanings in this Code:
  - a) *"Affiliate Organization"* – means any Ontario Soccer District Association, League, Club, Ontario Recognized Academy, or Registered Organization.
  - b) *"Case Manager"* – means a Registrant who is responsible for establishing a three person Discipline/Appeal Panel including appointing one member as Chairperson. The Case Manager shall not sit on the Panel. \*If all Parties agree, Ontario Soccer or the applicable Affiliate Organization may appoint an external Case manager at their own expense.
  - c) *"Code"* – means this Ontario Soccer Code of Conduct and Ethics
  - d) *"Complainant"* – the Party alleging an infraction
  - e) *"Complaints Administrator(s)"* – An individual or individuals appointed by Ontario Soccer or the applicable Affiliate Organization to be the first point-of-contact for all Code of Conduct complaint matters reported to Ontario Soccer or an Affiliate Organization
  - f) *"Days"* – shall mean total days, irrespective of weekends or holidays, but not including the date of the meeting, hearing or event in question, or the date by which a response if any is required.
  - g) *"Discipline Panel"* – shall mean a group consisting of three persons who are appointed by Ontario Soccer or the applicable affiliated organization to judge a case in accordance with the Code.
  - h) *"Individuals"* – means all categories defined in the Ontario Soccer Bylaws or the Affiliate Organizations Bylaws, as well as all individuals employed by, or engaged in activities with, Ontario Soccer or their Affiliate Organizations including, but not limited to, Administrators, Coach, Director, Employee, Player, Registered Team, Registrant, Team Official, volunteers, spectators, parents/guardians or Representatives.
  - i) *"Party"* – The Complainant or Respondent of a complaint.
  - j) *"Respondent"* – The alleged infracting Party.
  - k) *"Workplace"* – means any place where business or work-related activities are conducted. Workplaces include but are not limited to, the Ontario Soccer or Affiliate Organizations' office, work-related social functions, work assignments outside the office, work-related travel, and work-related conferences or training sessions

### **Purpose**

2. The purpose of this Code is to ensure a safe and positive environment within Ontario Soccer and their Affiliate Organizations' programs, activities, and events by making Individuals aware that there is an expectation, at all times, of appropriate behaviour. Ontario Soccer and their Affiliate Organizations supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

### **Application of this Code**

3. This Code applies to Individuals' conduct during Ontario Soccer or their Affiliate Organization's workplace, business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with Ontario Soccer or Affiliate Organization activities, Ontario Soccer or Affiliate Organization Board of Director meetings and any other Ontario Soccer or Affiliate Organization meetings.

4. This Code also applies to Individuals' conduct outside of Ontario Soccer or Affiliate Organization business, activities, and events when such conduct adversely affects relationships within Ontario Soccer or its Affiliate Organization(s) (and its work and sport environment) or is detrimental to the image and reputation of Ontario Soccer or the Affiliate Organization. Such applicability will be determined by Ontario Soccer or the Affiliate Organization, as applicable, at its sole discretion.
5. An Individual who violates this Code may be subject to a formal complaint, a discipline process and the imposition of sanctions, pursuant to this Code.
6. This Code does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Code. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable.
7. Sanctions set out within the Code do not apply to any Ontario Soccer or Affiliate Organizations employees or contractors as such matters are governed by individual policies that expressly apply to employees, such as the applicable organization's human resources policy or employment/contractor agreements.

#### **Jurisdiction**

8. Jurisdiction of complaints within Ontario Soccer and its applicable Affiliate Organizations will be determined based upon where and when the conduct occurred, as determined by Ontario Soccer and the applicable Affiliate Organization.

#### **Responsibilities**

9. Individuals have a responsibility to:
  - a) Maintain and enhance the dignity and self-esteem of Individuals and other persons by:
    - i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, race or perceived race, nationality, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, class, marital status, family status, religion, political belief, physical or mental disability, economic status or source of income
    - ii. Focusing comments, criticism or disciplinary actions appropriately
    - iii. Demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
    - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
    - v. Treating individuals fairly and reasonably
    - vi. Adhering to Ontario Soccer and Affiliate Organization rules and policies and the spirit of those rules and policies
  - b) Refrain from any behaviour that constitutes **harassment**, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading, or malicious. Types of behaviour that constitute harassment include, but are not limited to:
    - i. Written or verbal abuse, threats, or outbursts

- ii. The display of visual material which is offensive or which a reasonable person ought to know is offensive in the circumstances
  - iii. Unwelcome remarks, jokes, comments, innuendo, or taunts
  - 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 cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
  - vii. Any form of hazing where hazing is defined as *any potentially humiliating, degrading, abusive, or dangerous activity*
  - viii. Retaliation or threats of retaliation against an individual who reports harassment to Ontario Soccer or a Affiliate Organization
  - ix. Bullying
  - x. Offensive or intimidating communications, including social media
  - xi. Inappropriate use of social media
  - xii. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form
  - xiii. Psychological abuse
  - xiv. Discrimination
  - xv. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, demeaning or intimidating
  - xvi. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
- c) Refrain from any behaviour that constitutes **violence**, where violence is defined as the exercise of physical force, that causes or could cause physical injury; an attempt to exercise physical force that could cause physical injury; or a statement or behaviour that it is reasonable to interpret as a threat to exercise physical force. Types of behaviour that are applicable to this section include, but are not limited to:
- i. Verbal threats to attack
  - ii. Sending to or leaving threatening notes or emails
  - iii. Making threatening physical gestures
  - iv. Wielding a weapon
  - v. Hitting, pinching or unwanted touching which is not accidental
  - vi. Throwing an object
  - vii. Blocking normal movement or physical interference, with or without the use of equipment
  - viii. Any attempt to engage in the type of conduct outlined above
- d) Refrain from any behaviour that constitutes **sexual harassment**, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:
- i. Sexist jokes
  - ii. Sexual violence
  - iii. Display of sexually offensive material
  - iv. Sexually degrading words used to describe a person
  - v. Inquiries or comments about a person's sex life
  - vi. Unwelcome sexual flirtations, advances, requests, invitations or propositions
  - vii. Inappropriate sexual touching, advances, suggestions or requests
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
  - ix. Physical or sexual assault

- e) Abstain from the use of illegal drugs, or illegal or non-prescribed performance-enhancing drugs or methods.
- f) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate or unwanted activities
- g) While acting in the capacity as either a coach or volunteer responsible for supervising activities and/or athletes, refrain from consuming recreational drugs, intoxicants or alcohol.
- h) Respect the property of others and not willfully cause damage
- i) Adhere to all federal, provincial, municipal and host country laws
- j) Comply, at all times, with Ontario Soccer and Affiliate Organization bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time
- k) Treat all other Individuals with respect
- l) Report to Ontario Soccer or an Affiliate Organization any ongoing criminal investigation, conviction, or existing bail conditions involving yourself, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal substance

### **Volunteers**

10. In addition to section 9 (above) volunteers have additional responsibilities. Volunteers are a critical part of the organization and the organization's success is directly related to volunteers carrying out their assigned responsibilities. Volunteers will:

- a) Act with honesty and integrity while carrying out any assigned responsibilities
- b) Comply with both the letter and the spirit of any training or orientation provided by Ontario Soccer and its Affiliate Organizations
- c) Take responsibility for actions and decisions. Follow reporting lines to facilitate the effective resolution of problems
- d) Prudently manage and allocate assets and resources, both financial and material
- e) Abide by applicable conflict of interest and confidentiality policies
- f) Use inoffensive language
- g) Dress professionally, neatly, and inoffensively

11. Volunteers will **not**:

- a) Exceed the authority of assigned position
- b) Encourage athletes to consume illegal drugs, alcohol or performance-enhancing drugs
- c) Engage in a sexual relationship with a minor athlete

### **Coaches**

12. In addition to section 9 (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) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- f) Act in the best interest of the athlete's development as a whole person
- g) Meet the coaching credentials, as required by Ontario Soccer and its Affiliate Organizations
- h) 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
- i) 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
- j) Dress professionally, neatly, and inoffensively
- k) Use inoffensive language

13. Coaches will **not**:

- a) Exceed the authority of assigned position
- b) Provide athletes with, or promote, encourage or condone the use by athletes of illegal drugs, alcohol, or performance enhancing substances or methods.
- c) Engage in a sexual relationship with a minor athlete

**Athletes** (with the assistance of their caregivers when necessary)

14. In addition to section 9 (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
- b) Participate and appear on-time and be 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 Ontario Soccer and Affiliate Organization rules and requirements regarding clothing and equipment
- e) Never ridicule a participant for a poor performance or practice
- f) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other players, officials, coaches, or spectators
- g) Dress in a manner representative of Ontario Soccer and its Affiliate Organizations, focusing on neatness, cleanliness, and discretion
- h) Act in accordance with Ontario Soccer and Affiliate Organization policies and procedures and, when applicable, additional rules as outlined by coaches or managers

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

15. In addition to (i) Section 9 above, (ii) The Conflict of Interest Policy, and (iii) the Confidentiality Policy, the Directors, Committee Members, and Staff will have additional responsibilities to:
- a) Ensure their loyalty prioritizes the interests of Ontario Soccer or their Affiliate Organization, as applicable;
  - b) 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
  - c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - d) Conduct themselves openly, professionally, lawfully and in good faith
  - e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
  - f) Behave with decorum appropriate to both circumstance and position
  - g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws
  - 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 governance documents
16. Directors, Committee Members and Staff will **not**:
- a) Exceed the authority of assigned position
  - b) Encourage athletes to consume illegal drugs, alcohol or performance-enhancing drugs
  - c) Engage in a sexual relationship with a minor athlete

### **Officials**

17. In addition to section 9 (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 Special Olympics 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 true facts
  - l) Dress in proper attire for officiating

18. Officials will **not**:

- a) Exceed the authority of assigned position
- b) Encourage athletes to consume illegal drugs, alcohol or performance-enhancing drugs
- c) Engage in a sexual relationship with a minor athlete

**Parents/Guardians and Spectators**

19. In addition to section 9 (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 performance or practice
- 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 staff 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

**Process for Reporting a Complaint/Violation of the Code:**

20. Any person may report an incident or complaint alleging a breach of the Code, in writing within fourteen (14) days of the alleged incident to Ontario Soccer or the applicable Affiliate Organization who will forward the complaint to the Complaints Administrator, although this timeline can be waived or extended at the Complaints Administrator's discretion. At Ontario Soccer's or the Affiliate Organization's discretion, the organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the organization will identify an individual to represent Ontario Soccer or the Affiliate Organization.

21. If the Complaints Administrator is in a conflict of interest situation or at their sole discretion, the Complaints Administrator may refer the complaint to another Ontario Soccer or applicable Affiliate Organization Staff person, or may appoint an external Complaints Administrator to handle the administrative side of the complaint on behalf of Ontario Soccer or the applicable Affiliate Organization. Such appointment is not appealable.

22. Upon receipt of a written complaint, the Complaints Administrator will review the submissions related to the complaint, the applicable Governing Documents and determine one or more of the following outcomes or sanctions:

- a) The complaint is not filed within the correct applicable jurisdiction and inform the Complainant of the correct jurisdiction
- b) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- c) The complaint is not substantiated and no sanction imposed
- d) Propose the use of mediation
- e) Verbal or written reprimand
- f) Verbal or written apology



- g) Service or other contribution
- h) Removal of certain privileges
- i) Suspension from certain teams, events, and/or activities
- j) Suspension from all activities for a designated period of time
- k) Payment of the cost of repairs for property damage
- l) Suspension of funding
- m) Expulsion
- n) Any other sanction considered appropriate for the offense

23. The Complaints Administrator will promptly inform the Complainant and the Respondent in writing of the sanction, if any.

24. Records of all decisions and sanctions, if any, will be maintained by the organization maintaining jurisdiction.

### **Request for Reconsideration**

25. Notwithstanding Sections 20-22, the Complainant or the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the decision of the Complaints Administrator. In the Request for Reconsideration, the Complainant or Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) All evidence to support the party's position; and
- c) What penalty or sanction (if any) would be appropriate

26. The sanction may not be appealed until the completion of a Request for Reconsideration.

27. Upon receiving a Request for Reconsideration, the Complaints Administrator will appoint a Case Manager to oversee management and administration of the complaint or incident. Such appointment is not appealable.

28. The Case Manager has a responsibility to:

- a) Propose the use of mediation
- 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
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

### **Procedures**

29. If the Case Manager determines the complaint is:

- a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
- b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps

30. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

31. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
32. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using mediation with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use mediation, the Case Manager will appoint a Discipline Panel.
33. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. 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 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
  - b) 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
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be made by a majority vote of the Discipline Panel
34. 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.
35. Subject to Section 33, the hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
36. 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 current complaint and will be bound by the decision.
37. In fulfilling its duties, the Discipline Panel may obtain independent legal advice.

### **Decision**

38. 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. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Complaints Administrator, the Case Manager, and the applicable organization. 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. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

## **Sanctions**

39. 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
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all Ontario Soccer or Affiliate Organization activities for a designated period of time
  - g) Payment of the cost of repairs for property damage
  - h) Suspension of funding
  - i) Expulsion
  - j) Any other sanction considered appropriate for the offense
40. 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 Ontario Soccer or the applicable Affiliate Organization until such time as compliance occurs.
41. Records of all decisions will be maintained by the applicable organization in compliance with applicable law.

## **Appeals**

42. The decision of the Discipline Panel may be appealed in accordance with Ontario Soccer's *Appeal Policy*.

## **Suspension Pending a Hearing**

43. Ontario Soccer or the applicable Affiliate Organization may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual from Ontario Soccer or its applicable Affiliate Organization pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

## **Criminal Convictions**

44. An Individual's conviction for a *Criminal Code* offense, as determined by Ontario Soccer or the applicable Affiliate Organization, will be deemed an infraction under this Policy and may result in expulsion from Ontario Soccer and its Affiliate Organizations. *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs

### **Confidentiality**

45. The discipline and complaints process is confidential and involves only the Parties, the Complaints Administrator, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings and at the time of such decision, the only confidential information that may be disclosed is the result of such decision.

### **Timelines**

46. If the circumstances of the 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**

Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.



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