

SAIL CANADA



Sail Canada Code of Conduct
Approved by Sail Canada Board February 2019



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Sail Canada Code of Conduct

1. Purpose and Scope

- 1.1. The purpose of this Code of Conduct is to ensure that a safe and positive environment is possible at all times within Sail Canada programs, activities and events, by making Sail Canada participants aware that there is an expectation of appropriate behaviour consistent with the Sail Canada core values of integrity, adaptability, collaboration and respect, inclusiveness, accountability and leadership.
- 1.2. This Code of Conduct identifies the standard of behaviour that is expected of all Sail Canada participants.
- 1.3. Participants who fail to abide by this Code may be subject to disciplinary action identified in this and other Sail Canada Policies and Procedures, including but not limited to the Harassment Policy, Conflict of Interest Policy and the Appeals and Dispute Resolution Policy.

2. Application

All Sail Canada Participants shall be bound by this Code of Conduct. Individuals can and typically will be subject to the provisions of more than one code simultaneously (provincial, athlete, club, etc). Although other organizations may have their own standards this is the minimum expectation of Sail Canada.

The Code of Conduct is related to conduct that may arise during the course of Sail Canada and/or member business, activities, and events, including but not limited to workouts, training camps, team travel, office environment, club activities, competitions, events, and any related meetings or social media.-

This policy applies to the conduct that occurs outside of Sail Canada business and events when such conduct adversely affects relationships within Sail Canada and its work and sport environment and is detrimental to the image and reputation of the organization.

3. Definitions

- 3.1. **“Sail Canada Participants”** are individuals who are participating in programs and activities directly or indirectly under the auspices of Sail Canada and its member Provincial Sailing Associations (“PSA”s), including boat owners, crew, students, athletes, coaches, officials, support persons, employees, contractors, volunteers, parents of participants and those representing Sail Canada at international or other events not under the jurisdiction of Sail Canada.
- 3.2. **“Confidential Information”** is information of a highly sensitive, or, (when designated by a lawyer) privileged nature.
- 3.3. **“Conflict of Interest”** shall have the meaning in the Sail Canada Conflict of Interest policy.
- 3.4. **“Under the Influence”** means a state of being affected by the presence of drugs or alcohol in one’s system.

3.5. **“Misconduct”** shall have the meaning in *The Racing Rules of Sailing*, defined as: “Misconduct is conduct that is a breach of good manners, a breach of good sportsmanship or unethical behaviour; or conduct that may bring the sport into disrepute.”

4. Conduct

- 4.1. At Sail Canada events and events organized at or by Sail Canada member organizations, member associations and member clubs covered by *The Racing Rules of Sailing* as amended from time to time (the “Rules”):
 - 4.1.1. Participants shall conduct themselves as prescribed by the Rules as well as any amendments thereto prescribed by the organizers of the specific event.
 - 4.1.2. All protests and appeals with respect to the misconduct of participants shall be conducted in the manner prescribed by the Rules, including any amendments thereto by the Organization Authority (OA) for the event.
- 4.2. Participants in Sail Canada activities not covered by the Rules shall conduct themselves in the manner prescribed by the Rules.

In addition, and for greater certainty, participants in all events, activities and programs shall consistently display high personal standards and project a favourable image of the sport of sailing by:

- 4.2.1. Adhering to all international (where applicable), Canadian, Provincial, Municipal, Regional, Civic or host country laws;
- 4.2.2. Conducting themselves in a sportsmanlike, ethical and responsible manner at all times;
- 4.2.3. Modelling good seamanship, including wearing personal safety gear where appropriate and while on the water;
- 4.2.4. Treating everyone fairly, regardless of gender, gender identity, gender orientation, sexual orientation, age, body type, physical characteristics, disability, place of origin, citizenship, race, physical or mental abilities, religion, political beliefs, or economic status;
- 4.2.5. Respecting the dignity of other participants, treating them with respect, and actively encouraging others to do the same;
- 4.2.6. Refraining from public criticism of other participants;
- 4.2.7. Refraining from comments and behaviours which are disrespectful, offensive, abusive, racist, or sexist;
- 4.2.8. Refraining from the use of profane, or otherwise offensive language;
- 4.2.9. Refraining from any form of harassment, abuse, or discrimination toward others;
 - a. Harassment: comments or conduct, directed towards an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive

- b. Sexual Harassment: unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature
- c. Abuse: A misuse of power, which uses the bonds of intimacy, trust, dependency to make the victim vulnerable
- d. Discrimination: an action or a decision that treats a person or a group negatively for reasons, including but not limited to those outline in 4.2.4
- 4.2.10. Not being under the Influence of cannabis, alcohol or any medication that could cause impairment or otherwise impaired at any time while performing duties or actively competing
- 4.2.11. Abstaining from the use of tobacco products while in the presence of other participants except in designated smoking areas
- 4.2.12. Abstaining from the use, possession, and the supply of banned substances and practices
- a. Sail Canada adopts and adheres to the Canadian Anti-Doping Program; infractions under this program shall be considered an infraction of this Code
- b. Sail Canada will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Sail Canada or any other sport organization
- 4.2.13. Not using or being in possession of illicit drugs/narcotics;
- 4.2.14. Demonstrating honesty and integrity in all interactions with other participants, employers and local, Provincial and National administrations;
- 4.2.15. Not breaching the privacy of an individual where the individual has a right to expect privacy;
- 4.2.16. Respecting the property of others and not wilfully causing damage;
- 4.2.17. Either declaring a conflict of interest or withdrawing from participating in any activity that causes a conflict of interest as outlined in the Sail Canada's Conflict of Interest Policy;
- 4.2.18. Refraining from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities or behaviour;
- 4.2.19. Not attempting to cover up or conceal any conduct of an individual that is, or may be, in breach of this code of conduct;
- 4.2.20. Not betting or gambling on or attempting to manipulate or affect the outcome of any competition or event covered by the Racing Rules of Sailing;
- 4.2.21. Refraining from bullying in any form, including cyber bullying or any other form of social or other media bullying.
- 4.2.22. Reporting and alleged infraction of this Code of Conduct;
- 4.3. Athletes below the age of majority are further subject to the *Youth Code of Conduct* specifically developed for youth in Appendix C.
- 4.4. Coaches, Instructors, and individuals working with minors must be held to a higher standard in their dealings with those who are below the age of majority, as well as other vulnerable persons. A *Coaches/Instructors Code of Conduct*, which includes the above expectations, and expands on them with the unique expectations that come with the Instructor/Coaching role, is in Appendix D.



- 4.5. Race Officials must exhibit professional, ethical and competent behaviour at all times while representing Sail Canada and the sport of sailing. A *Race Officials Code of Conduct*, which expands on these expectations, is included in Appendix E.
- 4.6. Volunteers, employees and contractors must not use or transmit any Sail Canada related Confidential Information while serving with Sail Canada, nor following the termination of their relationship with Sail Canada.

APPENDIX A

1. Disciplinary Procedures for Reported Violations not Covered by the Racing Rules of Sailing or Appendix A1 (below):

- 1.1. Any participant in a Sail Canada activity may report an infraction to the Sail Canada CEO (ceo@sailing.ca) or Sail Canada Chair (chair@sailing.ca).
- 1.2. Upon receipt of a complaint, the CEO, Chair or their designate shall appoint an investigator within 10 business day to determine if the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction. (See Appendix B for definition of “major” or “minor” infractions) The investigator shall not be a member of the Disciplinary panel (constituted as per 1.5.1) if a hearing is subsequently required. The investigator shall submit a report to the CEO within 10 business days unless one or more of the parties or complainant is not available.
- 1.3. The investigator shall disclose all relevant information to the CEO or Chair and to the Disciplinary panel, if constituted, and to the parties and complainant involved in the allegation.
- 1.4. If the incident is to be dealt with as a minor infraction, the CEO or Chair will inform the complainant and the parties involved, including the alleged offender, and the matter shall be dealt with according to Appendix B, section 2.
- 1.5. If the incident report is to be dealt with as a major infraction and a hearing is required, the alleged offender shall be notified as quickly as possible in writing and within 5 business days of receipt of the initial incident report, and shall be advised of the procedures outlined in this policy.
 - 1.5.1. Within 5 business days of receiving the investigator’s report, the CEO or Chair shall appoint three individuals to serve as a Disciplinary Panel. Where possible, one of the Panel members shall be from the peer group of the alleged offender. None of the Panel members may be involved in the incident and must be independent of those who were involved in it.
 - 1.5.2. The Disciplinary Panel shall hold the hearing as soon as possible, but not more than 14 days after the investigator’s report is received by the CEO or Chair.
 - 1.5.3. The Disciplinary Panel shall govern the hearing as it sees fit, provided that:
 - 1.5.3.1. The individual being disciplined shall be given 5 business days written notice (by courier or email) of the day, time and place of the hearing.
 - 1.5.3.2. The Panel may decide to conduct the hearing in person, by telephone or videoconference.
 - 1.5.3.3. The individual being disciplined shall receive a copy of the incident report.
 - 1.5.3.4. Members of the Panel shall select from among themselves a Panel Chairperson.
 - 1.5.3.5. A quorum shall be all 3 Panel members.
 - 1.5.3.6. Decisions shall be by majority vote; the Panel Chairperson carries a vote.



- 1.5.3.7. The standard of proof to be applied is the test of comfortable satisfaction of the panel, bearing in mind the seriousness of the alleged misconduct.
- 1.5.3.8. The individual being disciplined shall have the right to present evidence and argument, and may be accompanied by a representative.
- 1.5.3.9. The hearing shall be held in private.
- 1.5.3.10. The Panel may request that any witnesses to the incident be present or submit written evidence.
- 1.5.4. The Panel shall render its decision, with written reasons, within 5 business days of the Hearing and provide it to the Sail Canada CEO or Chair as appropriate.
- 1.5.5. Once appointed, the Panel shall have the authority to abridge or extend timelines associated with all aspects of the hearing.
- 1.5.6. Unless the Disciplinary Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.



Appendix A1: All Events and Coaching/Instructing Situations not covered by the Rules:

- 1.6. The primary responsibility for investigating an alleged breach of the Sail Canada Coach/Instructor Code of Conduct lies with the coach's/instructor's employer. When Sail Canada receives a written complaint about a coach's/instructor's conduct and the coach/instructor is employed by a member club, or a PSA, the written complaint will be directed to the employer to investigate. The coach's/instructor's employer shall call a hearing, or take whatever measures necessary to investigate the complaint and to determine whether the allegations have basis in fact. Sail Canada may take action in any case where the employer does not.
- 1.7. Within fifteen (15) days of receiving a copy of the written complaint concerning a breach of the Sail Canada Coach/Instructor Code of Conduct, the member club or PSA will report to Sail Canada in writing. If the member club or PSA decides that the coach/instructor did breach the Sail Canada Coach/Instructor Code of Conduct it shall also indicate what actions it took to discipline the coach/instructor. These may include a warning, a suspension from employment, or dismissal.
- 1.8. The member club or PSA may, in its report, recommend that Sail Canada take further disciplinary action against the coach/instructor. Sail Canada may conduct an investigation and when appropriate take further action. Such action may include prohibition from coaching/instructing at Sail Canada sponsored events or de-certification of the coach's/instructor's Sail Canada coaching/instructor levels.
- 1.9. Where appropriate, Sail Canada may delegate complaints and / or appeals to the PSA.
- 1.10. When Sail Canada receives a written complaint about a coach's/instructor's behaviour and the coach/instructor is employed by Sail Canada, it will follow its published guidelines for investigating the alleged breach.

APPENDIX B: Examples of Infractions and Possible Sanctions

1. Examples of Minor Infractions

- 1.1. A single incident of disrespectful behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
- 1.2. Unsportsmanlike conduct such as angry outbursts or arguing.
- 1.3. A single incident of intentionally being late or, if unintentionally, which results in significant embarrassment to or disruption of the event or activity

2. Possible Sanctions for Minor Infractions

- 2.1. The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:
 - 2.1.1. oral reprimand
 - 2.1.2. written reprimand to be placed on file at the national office
 - 2.1.3. oral apology by the offender to the injured party/parties
 - 2.1.4. written apology delivered to the injured party/parties by the offender
 - 2.1.5. team service or other voluntary contribution to Sail Canada
 - 2.1.6. suspension from the current competition
 - 2.1.7. other sanctions as may be considered appropriate for the offence.

3. Examples of Major Infractions

- 3.1. Repeated incidents of disrespectful behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
- 3.2. A single incident of offensive, abusive, racist or sexist comment or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
- 3.3. Repeated unsportsmanlike conduct such as angry outbursts or arguing.
- 3.4. Repeated incidents of being late for or absent from Sail Canada events and activities at which attendance is expected or required, whether intentional or not.
- 3.5. Single incident of physical abuse, harassment or discrimination.
- 3.6. Activities or behaviour which intentionally, or even if not intentional with wanton disregard for the consequences, interfere with a competition or with any athlete's preparation for a competition.
- 3.7. Pranks, jokes or any activities that endanger the safety of others.
- 3.8. Deliberate disregard for the rules and regulations under which sailing events are conducted, whether at the local, divisional, provincial, national or international level.
- 3.9. Violation of the National Team Athlete Agreement.
- 3.10. Violation of the sponsorship policy for individual athletes.
- 3.11. Abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive, causes the individual to behave in a



disruptive manner; or interferes with the individual's ability to perform effectively and safely, or irrespective the level of consumption, is in breach of any applicable no alcohol policy.

- 3.12. Use of alcohol by minors.
- 3.13. Use of illicit drugs and narcotics.
- 3.14. Use of banned substances or methods as defined by the World Anti-doping Agency (WADA).

4. Possible Sanctions for Major Infractions

- 4.1. The Disciplinary Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
 - 4.1.1. written reprimand to be placed on file at the national office
 - 4.1.2. hand-delivered written apology
 - 4.1.3. suspension from certain Sail Canada activities which may include suspension from the current competition or from future teams or competitions
 - 4.1.4. suspension of all Sail Canada privileges
 - 4.1.5. suspension from certain Association activities (i.e. playing, coaching or officiating) for periods of up to three years
 - 4.1.6. suspension from all Association activities for periods of up to three years, or for life, if the circumstances of the infraction warrant
 - 4.1.7. other sanctions as may be considered appropriate for the offense

5. Appeals Process

- 5.1. Any appeal of the above decisions (made by a person having delegated authority or the Disciplinary Panel) will be done according to the Sail Canada's Appeal Process and Dispute Resolution Policy.



APPENDIX C: Youth Code of Conduct

I, _____, am a youth athlete (defined as under the age of 18) training and competing in the sport of sailing.

I understand that while competing, training and participating in the sailing community I must:

- Abide by the Sail Canada Code of Conduct
- Respect fellow sailors, volunteers, staff and coaches
- Be gracious in victory and defeat, be co-operative, sportsmanlike and always remain a team player. I will remember that my actions on and off the water reflect not only on me, but my sailing organization as well.
- Regard the *Racing Rules of Sailing* as a form of agreement. The *Rules* represent the spirit as well as the letter of this agreement, which I shall not evade or break.
- Treat all venues, public areas, facilities as well as other people's property as I would my own. I understand that any wilful destruction of property or theft is not permitted. Full payment will be required for any destruction.
- Not get involved in any act considered to be an offense under federal, provincial or local laws.
- Neither possess nor use any prohibited drugs, alcohol, cigarettes or non-medical drugs while attending a Sail Canada, PSA or member club run event
- Neither possess nor use any drugs listed as banned substances by WADA at any time while a competitive athlete or other banned methods (such as blood doping) (see <https://www.wada-ama.org/en/what-we-do/the-prohibited-list>)
- Become aware of what "anti-doping" is all about, and ensure that any medications / prescribed drugs / nutritional supplements I take are not considered banned/restricted substances (visit www.cces.ca for more information).
- Refrain from bullying in any form, including cyber bullying or any other form of social or other media

I understand that the regatta jury, and/or Sail Canada personnel on site and/or the Organizing Authority shall investigate any disciplinary problems that arise. If it is decided that I am not adhering to the above guidelines, the following may be pursued:

- a) Termination of my participation in the given event;
- b) Removal of my right to compete in future related events;
- c) Withdrawal of funding for future Sail Canada / Provincial Sailing Association / Club events and teams;
- d) I may be subject to further discipline by Sail Canada and/or the Provincial Sailing Association.

Athlete Signature

Date

Parent/Guardian

"You haven't won the race if in winning the race you have lost the respect of your competitors."
Paul Elvström (4--time Olympic Gold Medallist in the Finn Dinghy)



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APPENDIX D: Coach/Instructor Code of Conduct

1. Preamble

- 1.1. Sailing coaches and instructors play a vital role in the development of all sailors. They are instrumental in encouraging all sailors to expand their knowledge of seamanship, sportsmanship, and sailing in general. There is, however, the opportunity for coaches and instructors to abuse the power they hold in a coach/athlete or instructor/student relationship.
- 1.2. Sail Canada Race coaches and instructors who breach this Code of Conduct may face disciplinary action by Sail Canada including the possible termination of their certification.
- 1.3. It is the responsibility of the employer to make every effort to ensure a positive working environment. Therefore, the onus rests with any employer to complete a criminal record check on all staff.

2. Conduct

- 2.1. In addition to their responsibilities as participants under the *Sail Canada Code of Conduct*, which is an integral part of this agreement, coaches and instructors have unique responsibility to:
 - 2.1.1. Ensure the safety of all sailors and fellow coaches/instructors.
 - 2.1.2. Direct comments or criticism at the performance rather than at the athlete or student.
 - 2.1.3. Never allow the use of illicit drugs and other WADA banned substances.
 - 2.1.4. Never provide students with drugs, alcohol, cannabis or tobacco products.
 - 2.1.5. At no time attempt to become intimately and/or sexually involved with a student or athlete whom they are coaching or instructing.
 - 2.1.6. Wear a lifejacket while on the water.
 - 2.1.7. Ensure their certification is up to date at all times
 - 2.1.8. Respect the skill level of athletes and students by:
 - 2.1.8.1. Ensuring that the activity being undertaken is suitable for the age, experience and ability.
 - 2.1.8.2. Educating athletes and students in their responsibility to contribute to a safe sailing environment.
 - 2.1.8.3. Encouraging all sailors to demonstrate their own code of conduct.

(please print)

I, _____, hereby have read and accept the above terms as well as the terms and the process for investigation under the *Sail Canada Code of Conduct*. I agree to comply by them in good faith and of my *own accord*.

(signature)

(date)



(witness)

(date)

“You haven’t won the race if in winning the race you have lost the respect of your competitors.”
Paul Elvström (4--time Olympic Gold Medallist in the Finn Dinghy)

APPENDIX E: Race Officials Code of Conduct

1. Preamble

Sail Canada Race Officials are among the most exposed officials of the sport. It is essential that race officials conduct themselves with the highest degree of competence, ethics, propriety, and integrity. As representatives of sailing and Sail Canada, they must not allow their conduct to bring the sport into disrepute.

Sail Canada Race Officials who breach this Code of Conduct may face disciplinary action by Sail Canada and possible termination of their certification.

2. Conduct

- 2.1. In addition to their responsibilities as participants under the *Sail Canada Code of Conduct*, which is an integral part of this agreement, Sail Canada Race Officials have unique responsibility to:
- 2.1.1. Maintain a high level of understanding and application of the rules, cases, calls, Q&As, procedures and policies that are relevant to their discipline. In particular, Sail Canada policies and procedures set out in race officials' manuals should be followed.
 - 2.1.2. Be aware and abide by all policies and procedures of Sail Canada including but not limited to the Harassment Policy and Conflict of Interest Policies.
 - 2.1.3. Make all decisions in good faith, based upon the rules, and in a fair and objective manner. Racing must not only be conducted in a fair manner, but be seen to be so.
 - 2.1.4. Co-operate promptly and in a full and frank manner with requests for information, investigations or other inquiries from Sail Canada.
 - 2.1.5. Remain impartial at all times and act to others in a polite and courteous way. They must be aware of cultural differences, see other points of view and be diplomatic at all times.
 - 2.1.6. In hearings, treat a case with discretion and objectivity and ensure that no personal or other irrelevant interests affect the case.
 - 2.1.7. Be on time for all meetings and to give their full attention to the event.
 - 2.1.8. Never disclose confidential information and discussions.
 - 2.1.9. Comply with *The Racing Rules of Sailing* with respect to conflicts of interest. In cases of doubt, Sail Canada Race Officials must refer their case to Sail Canada in good time and be bound by its reply.
 - 2.1.10. Sail Canada Race Officials are responsible for completing their (re)certification requirements and providing Organization Authorities with correct information regarding their status.
 - 2.1.11. Where expenses are to be reimbursed, incur only necessary and reasonable expenses. Wherever possible, the organizing authority should be asked to approve the level of expenses in advance. Documentation (such as receipts) should be produced in good time and expenses themselves should be claimed no later than one month after an event.



- 2.1.12. Plan to arrive at the event on time and remain until the official end of the event. Only in special circumstances (approved in advance) may a race official leave the event before the official end.
- 2.1.13. Not be Under the Influence (as defined by 3.4), and not consume alcohol or cannabis products during the officiating day (and in particular before or during hearings). Alcohol may be consumed 'after hours' in reasonable quantities. Sail Canada Race Officials are expected to act in an appropriate and dignified manner at all times, particularly when competitors, other officials and organizers/sponsors are present.
- 2.1.14. Sail Canada Race Officials shall not smoke or vape whilst carrying out their duties.

(please print)

I, _____, have read and accept the above terms as well as the terms and the process for investigation under the *Sail Canada Code of Conduct*. I agree to comply by them in good faith and of *my own accord*.

(signature)

(date)

(witness)

(date)