



FREESTYLE CANADA SAFE SPORT POLICY MANUAL

INTRODUCTION

Freestyle Canada and its Members¹ have a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every Individual that is involved in the Canadian freestyle skiing community.

Freestyle Canada and its Members take any situation involving misconduct, Maltreatment and Prohibited Behaviour very seriously; for this reason, Freestyle Canada and its Members are collectively committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct, Maltreatment and Prohibited Behaviour.

This Freestyle Canada Safe Sport Policy Manual contains policies for the entire Canadian freestyle skiing community, that are applicable from coast to coast to coast and from the club level to the national team. The policies are intended to promote a safe sport environment in a manner that allows for consistent, immediate, appropriate and meaningful action should any issues arise, but also to prevent issues from arising by communicating expected standards of behaviour to all participants.

This Safe Sport Policy Manual has been prepared by Freestyle Canada and is intended to be a set of pan-Canadian policies applicable to Freestyle Canada and its Members, which Members should adopt by adopting their own safe sport policy manual based on the template policies provided by Freestyle Canada. Subject to provincial or territorial legislation that may impact the application of any of the policies found in this Manual, all Freestyle Canada Members are encouraged to adopt all of the policies found herein. Freestyle Canada will provide all Members with assistance, where necessary, in the implementation of this Safe Sport Policy Manual. For clarity, where any policy included in this Safe Sport Policy Manual refers to a Freestyle Canada Member, such reference shall be taken to mean a Member who has voluntarily adopted the policy, unless the application of the relevant policy is otherwise required by the bylaws and governing documents of Freestyle Canada and/or the Member.

Any allegations involving Maltreatment and/or Prohibited Behaviour, as those terms are defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), as amended from time to time by the Office of the Sport Integrity Commissioner (OSIC), that involves a UCCMS Participant, must be Reported directly to the OSIC², which will manage the matter in accordance with the Canadian Sport Dispute Resolution Code, and any other relevant and applicable policies.

Any allegations of an alleged breach of any of the policies included or referred to in this Safe Sport Policy Manual, including those involving Maltreatment and/or Prohibited Behaviour that do not fall within the authority of OSIC, as described above, must be Reported to Freestyle Canada's Independent Third Party and shall be managed in

¹ Members are the Divisions of Freestyle Canada, as specified in the Freestyle Canada Bylaws, as amended from time to time.

² The Office of the Sport Integrity Commissioner is also referred to as Abuse-Free Sport.

accordance with the Safe Sport Policy Manual (and any other applicable policies) of the relevant and applicable Member. If the Freestyle Canada Independent Third Party receives a Report involving allegations of Maltreatment and/or Prohibited Behaviour that should have been Reported to OSIC as described above, they shall seek consent from the Individual(s) that made the complaint to refer the matter to the OSIC and and make such a referral if the Individual(s) provide such consent.

Except for those matters that must be reported to the OSIC, upon receipt of a Report from an Individual, the Freestyle Canada Independent Third Party will determine the appropriate forum and manner to address the complaint.

Freestyle Canada has adopted the UCCMS and it shall be considered as incorporated by reference in this Safe Sport Policy Manual and will apply, as amended from time to time, to all Individuals and Members as a condition of their participation in the sport of freestyle skiing in Canada and/or their membership in Freestyle Canada.

It should also be noted that certain policies found in this Safe Sport Policy Manual also apply to matters beyond safe sport (i.e., the *Appeal Policy*). As such, these policies will also be published on Freestyle Canada’s website so that they are accessible and applicable in all relevant areas.

Lastly, Freestyle Canada notes and wishes to advise the Canadian freestyle skiing community that if any Policy, in whole or in part, is excerpted from this Safe Sport Policy Manual, any such action must be taken with the knowledge, and disclosure to any receiving party, that the Policy is part of the Safe Sport Policy Manual, which may impact its application or understanding.

INTRODUCTION	1
DEFINITIONS	3
ATHLETE AND MINOR PROTECTION POLICY	8
Appendix A – Image Consent Form	12
CODE OF CONDUCT AND ETHICS	14
DISCIPLINE AND COMPLAINTS POLICY	21
DISCIPLINE AND COMPLAINTS POLICY: APPENDIX A	33
INVESTIGATION PROCEDURE	33
DISPUTE RESOLUTION POLICY	37
APPEAL POLICY	39
SOCIAL MEDIA POLICY	47
SCREENING POLICY	49

FREESTYLE CANADA

DEFINITIONS

The terms defined below shall apply to Freestyle Canada policies included in this Freestyle Canada Safe Sport Policy Manual.

1. *“Affected Party”* – any Individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right under the *Appeal Policy*.
2. *“Appellant”* – the Party appealing a decision pursuant to the *Appeal Policy*.
3. *“Appeal Manager”* – an individual appointed by Freestyle Canada or a Member who may be any staff member, committee member, volunteer, director, or the Freestyle Canada Independent Third Party, to oversee the administration of the *Appeal Policy*. The Appeal Manager’s responsibilities shall include those as described in the *Appeal Policy*.
4. *“Athlete”* – includes any Individual who is an Athlete member in Freestyle Canada or a Member for either recreational or competitive purposes.
5. *“Athlete Support Personnel”* – Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition.
6. *“Board”* – the Board of Directors of Freestyle Canada or a Member, as applicable.
7. *“Club”* – Any Club registered as such with one of Freestyle Canada’s Members.
8. *“Complainant”* – An Individual who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in Freestyle Canada or a Member’s policies, by-laws, rules or regulations, or the UCCMS.
9. *“Criminal Record Check (CRC)”* – a search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions.
10. *“Days”* – calendar days³
11. *“Director of Sanctions and Outcomes”* – the individual(s) responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable) within the jurisdiction of the OSIC.
12. *“Discrimination”* – as defined in the UCCMS and as amended from time to time by the SDRCC.
13. *“Enhanced Police Information Check (E-PIC)”* – a Criminal Record Check plus a search of local police information, available from Sterling Backcheck. An E-PIC is also known as a “Criminal record and judicial matters check”.
14. *“Event”* – An event sanctioned by Freestyle Canada or a Member, and which may include a social Event.

³ For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

15. *“External Discipline Panel”* - A panel of one or three people appointed to handle the duties of the External Discipline Panel as described in the *Discipline and Complaints Policy*.
16. *“Freestyle Canada Independent Third Party”* – the independent individual retained by Freestyle Canada to receive complaints and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy*, *Investigation Policy* and *Appeal Policy*, as applicable.
17. *“Harassment”* – A course of vexatious comment or conduct against an Individual or group, irrespective of whether the comment or conduct occurs in person or via any other media, including social media, 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, racial jokes, race-based name calling, or racially 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 which may negatively affect performance;
 - vii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity, which does not contribute to any Individual’s positive development, but is required to be accepted as part of a team or group, regardless of the 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 Freestyle Canada or to a Member.
18. *“Individuals”* – refers to all categories of membership defined in Freestyle Canada’s Bylaws or, as applicable, in the Bylaws of a Member, as well as all people employed by, or engaged in activities with, Freestyle Canada or a Member, including, but not limited to, Athletes, coaches, conveners, judges, officials, volunteers, managers, administrators, spectators, committee members, directors or officers, and parents/guardians of Athletes.
19. *“Internal Discipline Chair”* – an individual appointed to handle the duties of the Internal Discipline Chair as described in the *Discipline and Complaints Policy*.
20. *“Maltreatment”* – as defined in the UCCMS, and as amended from time to time by the SDRCC
21. *“Member”* – the Divisions of Freestyle Canada, as specified in the Freestyle Canada Bylaws, as amended from time to time.
22. *“Minor”* – any Individual who is under the age of majority at the time and in the jurisdiction where the

alleged breach of any Freestyle Canada or Member policy has occurred.

*** Minors are considered to be any individual who is under the age of majority in their province/territory. Adult Individuals are responsible for knowing the age of a Minor.

Province/Territory	Age of majority
Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan	18
British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut and Yukon	19

23. "*OSIC*" – the Office of the Sport Integrity Commissioner, an independent division of the SDRCC which administers the UCCMS as part of the Abuse-Free Sport program and comprises the functions of the Sport Integrity Commissioner.
24. "*Parties*" – in the context of a complaint under the *Discipline and Complaints Policy*, the Complainant and Respondent; in the context of an appeal under the *Appeal Policy*, the Appellant, Respondent and Affected Party (or Parties).
25. "*Person in Authority*" – any Individual who holds a position of authority within Freestyle Canada or a Member, including, but not limited to, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, learning facilitators, coach developers, coach evaluators, judges and directors or officers.
26. "*Provisional Suspension*" – means that the Individual is barred temporarily from participating in in any capacity in any Event or activity of Freestyle Canada and its Members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to the *Discipline and Complaints Policy*.
27. "*Power Imbalance*" – as defined in the UCCMS and as amended from time to time by the SDRCC.
28. "*Prohibited Behaviour*" – as defined in the UCCMS and as amended from time to time by the SDRCC.
29. "*Prohibited Method*" – as defined in the Canadian Anti-Doping Program, as amended from time to time by the Canadian Centre for Ethics in Sport.
30. "*Prohibited Substance*" – as defined in the Canadian Anti-Doping Program, as amended from time to time by the Canadian Centre for Ethics in Sport.
31. "*Reporting (or Report)*" – as defined in the UCCMS and as amended from time to time by the SDRCC.
32. "*Respondent*" – the Party responding to a complaint or investigation; or, in the case of an appeal, the body or organization whose decision is being appealed, or the Individual who was the subject of a decision that is being appealed.
33. "*Sexual Harassment*" – as defined in the UCCMS and as amended from time to time by the SDRCC.
34. "*Social media*" – the catch-all term that is applied broadly to computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, Snapchat, Tik-Tok, and Twitter.
35. "*SDRCC*" – the Sport Dispute Resolution Centre of Canada.
36. "*Tampering*" – as defined in the Canadian Anti-Doping Program, as amended from time to time by the Canadian Centre for Ethics in Sport.
37. "*UCCMS*" – the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC.
38. "*UCCMS Participant*" - an Individual affiliated with Freestyle Canada who has been designated by Freestyle Canada as a UCCMS Participant and who has signed the required consent form. For Freestyle

Canada, UCCMS Participants include Freestyle Canada Board members, employees, national team coaches and staff, national team Athletes (including NextGen Athletes) and contractors.

39. “*Vulnerable Participant*” –as defined in the UCCMS and as amended from time to time by the SDRCC.
40. “*Vulnerable Sector Check (VSC)*” – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database.
41. “*Workplace*” – any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s) or facilities of Freestyle Canada or a Member, work-related social functions, work assignments outside registered offices, work-related travel, the training and competition environment (wherever located), and work-related conferences or training sessions.
42. “*Workplace Harassment*” – vexatious comment(s) 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, text messages 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.
43. “*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:
 - Verbal or written threats to attack;
 - Sending or leaving threatening notes, text messages or emails;
 - Physically threatening behaviour such as shaking a fist at someone, pointing, destroying property, or throwing objects;
 - Wielding a weapon in a Workplace;
 - Hitting, pinching or unwanted touching which is not accidental;
 - Dangerous or threatening horseplay;
 - Physical restraint or confinement;
 - Blatant or intentional disregard for the safety or wellbeing of others;
 - Blocking normal movement or physical interference, with or without the use of equipment;

- Sexual violence; and
- Any attempt to engage in the type of conduct outlined above.



FREESTYLE CANADA

ATHLETE AND MINOR PROTECTION POLICY

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	-
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	Appendix A – Image Consent Form

Purpose

1. This Athlete and Minor Protection Policy describe how Persons in Authority shall maintain a safe sport environment for all Athletes and any Individuals who are Minors. For the avoidance of doubt, this Policy applies to all Athletes, regardless of their age, and to any Minor Individual with a role in freestyle skiing, including, without limitation, Minor athletes, coaches or volunteers.

Interactions between Persons in Authority and Athletes and/or Minor Individuals – the ‘Rule of Two’

2. Freestyle Canada⁴ and its Members strongly recommend the ‘Rule of Two’ for all Persons in Authority who interact with Athletes and/or any Individuals who are Minors, whether in person or remotely (i.e., in virtual settings). The Coaching Association of Canada describes the intention of the ‘Rule of Two’ as follows:

A coach must never be alone or out of sight with a minor athlete. Two NCCP trained or certified coaches should always be present with an athlete, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. All one-on-one interactions between a coach and an athlete must take place within earshot and in view of a second coach except for medical emergencies. One of the coaches must also be of the same gender as the athlete. Should there be a circumstance where a second screened and NCCP trained or certified coach is not available, a screened volunteer, parent, or adult can be recruited.

3. Freestyle Canada recognizes that fully implementing the ‘Rule of Two’, as described above (and modified accordingly for Persons in Authority), in all circumstances, may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes and/or any Individuals who are Minors must respect the following:
 - i. Training and competition environments shall be open to observation so that all interactions between Persons in Authority and Athletes and/or any Individuals who are Minors are observable.

⁴ A separate document with term definitions that apply to all Freestyle Canada policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

- ii. Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete.
- iii. Persons in Authority shall not invite or have an Athlete or Minor Individual (or Athletes or Minor Individuals) in their home without the written permission and contemporaneous knowledge of the Athlete or Minor Individual's parent or guardian. In such circumstances, all other sections of this Policy must still be followed.
- iv. Athletes and Minor Individuals must not be in any situation where they are alone with a Person in Authority except in emergency situations.
 - 1. For further clarity, a situation where one Person in Authority is alone with one Athlete or Minor Individual would be a violation of Section 3(iv). However, provided that all other sections of this Policy are followed, situations where two screened Persons in Authority are with one Athlete or Minor Individual, or two Athletes or Minor Individuals are with one screened Person in Authority, shall not constitute a violation of Section 3(iv).

Practices and Events

- 4. As it relates to practices and/or competitions, the following applies:
 - a) A Person in Authority should never be alone with an Athlete or Minor Individual prior to or following a competition or practice unless the Person in Authority is the Athlete or Minor Individual's parent or guardian.
 - b) If the Athlete and/or Minor Individual is the first Athlete and/or Minor Individual to arrive, the Athlete and/or Minor Individual's parent should remain until another Athlete, Minor Individual or Person in Authority arrives.
 - c) If an Athlete or Minor Individual would potentially be alone with a Person in Authority following a competition or practice, the Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete and/or Minor Individual) to stay until all of the Athletes and/or Minor Individuals have been picked up. If an adult is unavailable, another Athlete and/or Minor Individual, who is preferably not a Vulnerable Participant, should be present in order to avoid the Person in Authority being alone with the Athlete and/or Minor Individual.
 - d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete and/or Minor Individual must always do so in an open and observable environment.

Communications

- 5. Communications between Persons in Authority and Athletes and/or Minor Individuals shall respect the following:
 - a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes and/or Minor Individuals.
 - b) Persons in Authority may only send personal texts, direct messages on social media or emails to individual Athletes and/or Minor Individuals when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone and must be copied to another adult. Texts, messages or emails shall not be

deleted by any Person in Authority for the purpose of destroying evidence that may establish a breach of any Freestyle Canada or Member policy, rule or regulation.

- c) No personal texts between Athletes and/or Minor Individuals and Persons in Authority may be sent; however, if this is necessary under Section 5(b), it shall include one other adult person on the message (preferably the Athlete or Minor Individual's parent(s)/guardian(s)).
- d) Parents and guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communication.
- e) All communication between a Person in Authority and Athletes and/or Minor Individuals must be between the hours of 6:00am and 11:00pm (in the time zone of the recipient of the communications) unless extenuating circumstances justify otherwise (e.g., cancelling an early morning practice).
- f) Communication concerning drugs or alcohol use (unless regarding its prohibition) is not permitted.
- g) No sexually explicit language or imagery or sexually oriented conversation may be communicated by any medium.
- h) Persons in Authority and Athletes and/or Minor Individuals are not permitted to offer or ask one another to keep a secret for them for any unethical, inappropriate, prohibited or improper purpose.

Virtual settings

- 6. The Rule of Two shall apply to all Minors in a virtual environment. Specifically:
 - a) For Minor Athletes or other Minor Individuals, where possible, a parent/guardian should be present during any virtual session.
 - b) Two adult coaches should be present or one coach and one adult (parent, guardian, volunteer, club administrator). One-on-one virtual sessions are prohibited.
 - c) Coaches shall be informed by Freestyle Canada and/or the Member, as applicable, of the expected standards of conduct during virtual sessions through the publication of this policy. For further clarity, no further communication of the expected standards of conduct by Freestyle Canada and/or the Member is necessary.
 - d) Parents/guardians of Minors shall be informed by the coach, the Person in Authority, or the club who is responsible for leading and organizing the virtual session of the activities that will take place during the virtual session, as well as the process of the virtual session.
 - e) Parents/guardians of Minors shall provide consent (verbal or written) to the Minor participating in the virtual session, if irregularly scheduled, or prior to the first session if the sessions will take place on a regular basis.
 - f) Communications during virtual sessions shall take place in an open and observable, and appropriate environment.
 - g) Unless otherwise prohibited by professional regulations or where the Athlete and/or Minor Individual does not provide express consent, virtual sessions between Persons in Authority and Athletes and/or Minor Individuals must be recorded whenever allowed by the technology being used.
 - h) Parents/guardians should debrief with Minors on a weekly basis regarding virtual sessions.

Travel

- 7. Any travel involving Persons in Authority and Athletes and/or Minor Individuals shall respect the following:
 - a) Teams or groups of Athlete and/or Minor Individuals shall always have at least two Persons in Authority attending the trip.

- b) For mixed gender teams or groups of Athletes and/or Minor Individuals, there will be one Person in Authority from each gender.
- c) Unless otherwise required by the circumstances, no Person in Authority may drive a vehicle with an Athlete and/or Minor Individual alone unless the Person in Authority is the Athlete or Minor Individual's parent or guardian.
- d) A Person in Authority may not share a room or be alone in a hotel room with an Athlete and/or Minor Individual unless the Person in Authority is the Athlete or Minor Individual's parent or guardian or there is an emergency that requires the Person in Authority to enter the room.
- e) Room or bed checks during overnight stays must be done by two Persons in Authority.
- f) For overnight travel when Athletes and/or Minor Individuals must share a hotel room, roommates will be age-appropriate and, for Minors, shall be within two years of age of one another and of the same gender identity.

Locker Room / Changing Areas

- 8. The following applies to locker rooms, changing areas, and meeting rooms:
 - a) Interactions (i.e., conversation) between Persons in Authority and Athletes and/or Minor Individuals should not occur in any room where there is a reasonable expectation of privacy such as a locker room, restroom or changing area unless there is an emergency. A second screened adult should be present for any necessary interaction between an adult and an Athlete and/or Minor Individual in any such room. The Rule of Two must be respected.
 - b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area where Minors are present in the locker room or changing area and be able to enter the room or area if required, including but not limited to team communications and/or emergencies.

Photography / Video

- 9. Any photograph or video involving Athletes and/or Minor Individuals shall respect the following:
 - a) Photographs and video taken by a Person in Authority (or otherwise in their possession) may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete and/or Minor Individual.
 - b) The use of recording devices of any kind in locations where there is a reasonable expectation of privacy, such as a locker room, restroom, changing area or hotel room is strictly prohibited.
 - c) If any photographs or videos will be used on any form of public media, an Image Consent Form must be completed before any images are taken and used.

Physical Contact

- 10. It is recognized that some physical contact between Persons in Authority and Athletes and/or Minor Individuals may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. Any physical contact shall respect the following:
 - a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete and/or Minor Individual where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that he or she

is requesting to touch the Athlete and/or Minor Individual and not requiring physical contact before the Athlete and/or Minor Individual is actually touched.

- b) Infrequent, non-intentional physical contact during a training session is permitted.
- c) Hugs lasting longer than five seconds, cuddling, physical horseplay, and physical contact unrelated to teaching a skill or attending to an injury initiated by the Person in Authority is not permitted. It is recognized that some Athletes and/or Minor Individuals may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as crying or celebrating after a performance), but this physical contact may only occur in an open and observable environment and should be limited to a few seconds.

Enforcement

- 11. Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to Freestyle Canada's *Discipline and Complaints Policy*.

Privacy

- 12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's policies and practices regarding private and/or confidential information, or those of its Members, as applicable.

Appendix A – Image Consent Form

1. I hereby grant to Freestyle Canada and, as applicable, my Provincial/Territorial Division and club (collectively the "Organizations") on a worldwide basis, the permission to photograph and/or record the Participant's likeness, in any form, still or moving (collectively, the "Images"), and to use the Images to promote the sport and/or the Organizations through traditional media such as newsletters, websites, television, film, radio, print and/or display form, grants, funding applications and through social media such as Instagram, Facebook, YouTube, and Twitter. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes. This consent will remain in effect in perpetuity; however, consent may be withdrawn by the Participant by the Participant notifying Freestyle Canada of such withdrawal in writing.
2. I hereby fully release, discharge, and agree to save harmless the Organizations, for any and all claims, demands, actions, damages, losses or costs that might arise out of the collection, use or disclosure of the Images or taking, publication, distortion of the Images, negatives, and masters or any other likeness or representation of the Participant that may occur or be produced in the taking of said Images or in any subsequent processing thereof, including without limitation any claims for libel, passing off, misappropriation of personality or invasion of privacy.
3. **I UNDERSTAND AND AGREE**, that I have read and understood the terms and conditions of this document. On behalf of me, my heirs and assigns, I agree that I am signing this document voluntarily and to abide by such terms and conditions.

Signed at this _____ day of _____, 20__.

Print Name of Participant: _____

Signature of Participant: _____

Signature of Parent/Guardian (if Participant is younger than the age of majority):



FREESTYLE CANADA

CODE OF CONDUCT AND ETHICS

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	Freestyle Canada Code of Conduct and Ethics approved December 8, 2022
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Purpose

1. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and Events of Freestyle Canada⁵ and its Members by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values, mission, and policies.

Freestyle Canada and its Members support equal opportunity, prohibit discriminatory practices, and are committed to providing an environment in which all individuals can safely participate in our sport and are treated with respect and fairness.

Application of this Code

2. This Code applies to the conduct of all Individuals during the business, activities, and Events of Freestyle Canada and its Members including, but not limited to, competitions, practices, evaluations, treatment or consultations (e.g., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings or social Events.
3. This Code also applies to Individuals' conduct outside of the business, activities, and Events of Freestyle Canada and its Members when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of Freestyle Canada or a Member. Such applicability will be determined by Freestyle Canada's Independent Third Party.
4. In addition, breaches of this Code may occur when the Individuals involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

⁵ A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

5. This Code applies to Individuals active in the sport or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Individuals were active in the sport.
6. Any Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be removed from the competition or training area, and the Individual may be subject to further sanctions.

UCCMS

7. Freestyle Canada has adopted the UCCMS which shall be incorporated into this Code by reference as if set out in full herein. Any modifications or amendments made to the UCCMS by the SDRCC shall come into effect immediately upon their adoption by the SDRCC, without the need for any further action by Freestyle Canada or any of its Members.

Individuals are responsible for knowing what actions or behaviours constitute Maltreatment and Prohibited Behaviour under the UCCMS. In addition, this Code sets out other expected standards of behaviour and conduct for all Individuals and any failure to respect these expected standards of behaviour by any Individual may constitute a breach of this Code.

Freestyle Canada has designated certain Individuals as UCCMS Participants. A full list of designated individuals is available at <https://freestylecanada.ski/safesport/>. It is important to note that the Code and UCCMS applies to all Individuals, but not all Individuals are UCCMS Participants and subject to the OSIC process.

Responsibilities of Individuals

8. All Individuals have a responsibility to:
 - a) Refrain from behaviour that constitutes Maltreatment and Prohibited Behaviour under this Code and the UCCMS.
 - b) Maintain and enhance the dignity and self-esteem of other Individuals by:
 - i. Treating each other with fairness, honesty, respect and integrity;
 - ii. Focusing comments or criticism appropriately and not making malicious or destructive comments toward Athletes, Athlete Support Personnel, officials, organizers, volunteers, employees, or other Individuals;
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct; and
 - iv. Ensuring adherence to the rules of the sport and the spirit of those rules.
 - c) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, or Workplace Violence.
 - d) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
 - e) Refrain from consuming alcohol, tobacco products, vaping products, cannabis, or other recreational drugs while participating in the programs, activities, Events or while in the Workplace of Freestyle Canada or a Member. However, in the context of a social Event, responsible consumption of alcohol is permitted in an adult-oriented social situation (except for Minors) but reasonable steps must be taken to manage responsible consumption and there will be zero tolerance for drinking in excess, showing drunk behaviour, or exhibiting inappropriate behaviour due to the consumption of alcohol.

- f) In the case of Minors, not consume alcohol, tobacco, vaping products, cannabis or other recreational drugs while participating in any program, activities, Events of Freestyle Canada or a Member .
- g) Respect the property of others and not wilfully cause damage.
- h) When driving a vehicle:
 - i. Have a valid driver's licence;
 - ii. Obey traffic laws;
 - iii. Not be under the influence of alcohol, cannabis or illegal drugs or substances;
 - iv. Have valid car insurance; and
 - v. Refrain from engaging in any activity that would constitute distracted driving.
- i) Promote the sport in the most constructive and positive manner possible.
- j) Refrain from engaging in deliberate behaviour which is intended to manipulate the outcome of an eligibility requirement or competition and/or not offer or receive any benefit which is intended to manipulate the outcome of a para-classification or competition. A benefit includes the direct or indirect receipt of money or anything else of value, including, but not limited to, bribes, gains, gifts, preferential treatment, and other advantages.
- k) Adhere to all applicable federal, provincial/territorial, municipal and host country laws, and observe local customs.
- l) Comply with the bylaws, policies, procedures, and rules and regulations of Freestyle Canada, its Members, and those of any other sport organization with authority over the Individual, as applicable, and as adopted and amended from time to time.
- m) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving an Individual to Freestyle Canada or to a Member, including, but not limited to, those for violence, child sexual abuse materials, or possession, use, or sale of any illegal or Prohibited Substance or Method.

Directors, Committee Members, and Employees

- 9. In addition to section 8 (above), directors, committee members, and employees of Freestyle Canada and its Members will have additional responsibilities to:
 - a) Function primarily as a director, committee member or employee of Freestyle Canada or the Member (as applicable) and ensure to prioritize the fiduciary duty that is associated with these roles (and not to any other organization, group, or personal interest) while acting in this role.
 - 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 manner with due regard for all fiduciary responsibilities, and that the transparency of these affairs meet the minimum standards of the applicable federal, provincial/territorial, and municipal laws that govern the organization.
 - d) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process.
 - e) Conduct themselves openly, professionally, lawfully and in good faith.
 - f) Be impartial and not allow self-interest, outside pressure, expectation of reward, or fear of criticism to influence their decision-making on behalf of Freestyle Canada or the Member.
 - g) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
 - h) Maintain required confidentiality of organizational information.
 - i) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
 - j) Have a thorough knowledge and understanding of all governance documents.

- k) Declare to Freestyle Canada and/or the Member (as applicable) any conflict of interest, or perceived conflict of interest, that they may have.

Athlete Support Personnel

10. In addition to section 8 (above), Athlete Support Personnel have additional responsibilities. Athlete Support Personnel must understand and respect the inherent Power Imbalance that exists in this relationship and must not abuse it. Athlete Support Personnel will:
- a) Avoid any behaviour that abuses the Power Imbalance inherent in the position of an Athlete Support Person to (i) establish or maintain a sexual relationship with an Athlete, or (ii) encourage inappropriate physical or emotional intimacy with an Athlete, regardless of the Athlete's age.
 - b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of Athletes.
 - c) 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.
 - d) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments.
 - e) Support the Athlete Support Personnel of a training camp, provincial/territorial team, or national team, should an Athlete qualify for participation with one of these programs.
 - f) Comply with all established responsibilities and obligations set out by the Athlete Support Personnel's professional governing association or order, if any.
 - g) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate.
 - h) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.
 - i) Act in the best interest of the Athlete's development as a whole person.
 - j) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process.
 - k) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or Prohibited Substances or Prohibited Methods and, in the case of Minors, alcohol, cannabis, and tobacco.
 - l) Respect competitor Athletes and, in dealings with them, not encroach upon topics or take actions which are within the realm of coaching, unless prior approval from the coaches who are responsible for the Athletes is received.
 - m) When a Power Imbalance exists, not engage in a sexual or intimate relationship with an Athlete of any age.

- n) Disclose to the appropriate individual within Freestyle Canada or a Member (as applicable)⁶ any sexual or intimate relationship with an Athlete and, if requested by Freestyle Canada or the Member, immediately discontinue any professional involvement with that Athlete.
- o) Recognize the power inherent in the position of Athlete Support Personnel and respect and promote the rights of all Individuals in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Athlete Support Personnel have a special responsibility to respect and promote the rights of Individuals who are in a vulnerable or dependent position and less able to protect their own rights.
- p) Dress professional and use appropriate language.
- q) Comply with their employment agreements.

Athletes

11. In addition to section 8 (above), Athletes will have additional responsibilities to:

- a) Follow their athlete agreement and any other national team agreement (if applicable).
- b) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete.
- c) Participate and appear on-time and prepared to participate to the best of their abilities in all competitions, practices, training sessions, and evaluations.
- d) Properly represent themselves and not attempt to participate in a competition for which they are not eligible including but not limited to age or classification.
- e) Adhere to any rules and requirements regarding clothing, professionalism, and equipment.
- f) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by Athlete Support Personnel.

Officials and Judges

12. In addition to section 8 (above), officials and judges will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and any rule changes.
- b) Not publicly criticize other Individuals.
- c) Adhere at all times to the rules of their international federation and any other sport organization that has relevant and applicable authority.
- d) Place the safety and welfare of competitors, and the fairness of the competition, above all else.
- e) Strive to provide a fair sporting environment.
- f) Respect the terms of any agreement that they enter with Freestyle Canada or a Member.
- g) Work within the boundaries of their position's description while supporting the work of other officials.
- h) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial/territorial rules and regulations.
- i) Take ownership of actions and decisions made while officiating.
- j) Respect the rights, dignity, and worth of all Individuals.
- k) Act openly, impartially, professionally, lawfully, and in good faith.
- l) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others.

⁶ In the case of Freestyle Canada, disclosure may be made to the High Performance Director or Chief Executive Officer, as appropriate; in the case of a Member, disclosure may be made to the Executive Director or President, as appropriate.

- m) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals.
- n) Comply with their obligations under the *Screening Policy*, including understanding ongoing expectations under the *Screening Policy* and fully cooperating in the screening process.
- o) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases communicate their situation to Freestyle Canada or the Member at the earliest possible time.
- p) When writing reports, set out the facts in an objective and impartial manner to the best of their knowledge and recollection and without resort to opinion.
- q) Dress in appropriate attire for officiating.

Parents/Guardians and Spectators

13. In addition to section 8 (above), parents/guardians and spectators at Events will, at all times:
- 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 an Individual for making a mistake during a competition or practice.
 - d) Respect the decisions and judgments of officials and encourage Athletes to do the same.
 - e) Support all efforts to stop and prevent verbal and physical abuse, coercion, intimidation, and excessive sarcasm.
 - f) Respect and show appreciation to all competitors, and to Athlete Support Personnel, officials and other volunteers.
 - g) Never harass Individuals, competitors, Athlete Support Personnel, officials, parents/guardians, or other spectators.
 - h) Never encourage, aid, cover up, or assist an Athlete in cheating through doping, competition manipulation, or other cheating behaviours.

Members and Clubs

14. Members and Clubs must:
- a) Adhere to all of Freestyle Canada's governing documents and policies, and, when required, amend their own rules to comply or align with those of Freestyle Canada.
 - b) Pay all required dues and fees by the prescribed deadlines.
 - c) Ensure that all Athletes and coaches participating in sanctioned competitions and Events of Freestyle Canada are registered and in good standing.
 - d) Appropriately screen prospective employees to help ensure Athletes have a healthy and safe sport environment.
 - e) Ensure that any possible or actual misconduct is investigated promptly and thoroughly.
 - f) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated.
 - g) Advise Freestyle Canada immediately of any situation where a Complainant has publicized a complaint in the media (including social media).
 - h) Provide Freestyle Canada with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals.
 - i) Implement any decisions and disciplinary sanctions imposed pursuant to Freestyle Canada or any Member or club's discipline process

Anti-Doping⁷

15. Freestyle Canada and its Members shall adopt and adhere to the Canadian Anti-Doping Program. Freestyle Canada and its Members will respect any sanction imposed on an Individual as a result of a breach of the Canadian Anti-Doping Program or any other applicable anti-doping rules.
16. All Athletes shall:
 - a) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force.
17. All Individuals shall:
 - a) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision, who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable anti-doping rules.
 - b) Cooperate with any Anti-Doping Organization that is conducting an investigation into any anti-doping rule violation(s).
 - c) Refrain from any offensive conduct toward a Doping Control official or other individual involved in Doping Control, whether or not such conduct constitutes Tampering as defined in the Canadian Anti-Doping Program.
18. All Athlete Support Personnel or other Persons who are Using a Prohibited Substance or Prohibited Method without a valid and acceptable justification shall refrain from providing support to Athletes that fall under Freestyle Canada or a Member's jurisdiction.

Retaliation, Retribution or Reprisal

19. It is a breach of this Code for any Individual to engage in any act that threatens or seeks to intimidate another individual with the intent of discouraging that Individual from filing, in good faith, a Report pursuant to any Freestyle Canada or Member policy, as applicable. It is also a breach of this Code for an Individual to file a Report for the purpose of retaliation, retribution or reprisal against any other Individual. Any Individual found to be in breach of this section shall be liable for the costs related to the disciplinary process required to establish such a breach.

Privacy

20. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable

⁷ Any capitalized terms used in this Anti-Doping section that do not appear in the Freestyle Canada Safe Sport Policy Manual's Definitions document shall, unless the context requires otherwise, have the meanings ascribed to them in the Canadian Anti-Doping Program.



FREESTYLE CANADA

DISCIPLINE AND COMPLAINTS POLICY

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	Freestyle Canada Discipline and Complaints Policy approved December 8, 2022
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including complying with all policies, bylaws, rules and regulations of Freestyle Canada⁸ and its Members, as amended from time to time. Non-compliance with any of Freestyle Canada's policies, bylaws, rules and regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this Policy.

Application

2. This Policy applies to all Individuals and to any alleged breaches of Freestyle Canada's policies, bylaws, rules or regulations, or any of those of its Members, that designate this Policy as applicable to address such alleged breaches.
3. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Freestyle Canada or a Member who is a Respondent to a complaint may also be subject to additional consequences in accordance with the employee's employment agreement or Freestyle Canada's human resources policies, if applicable.

Reporting a Complaint

UCCMS Participants

4. Incidents that involve alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the UCCMS) that occurred or continued as of January 1, 2023 involving a UCCMS Participant must be reported to the OSIC (www.sportintegritycommissioner.ca/report) and will be addressed pursuant to the OSIC's policies and procedures.

⁸ A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

5. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before January 1, 2023 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, and the matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by Freestyle Canada as a UCCMS Participant.
6. If the Freestyle Canada Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall seek consent from the Individual(s) that made the complaint to refer the matter to the OSIC and make such a referral if the Individual(s) provide such consent.

Individuals

7. Any complaints involving alleged breaches of Freestyle Canada or a Member's policies that do not fall within Sections 4 or 5 above may be Reported by an Individual to Freestyle Canada's Independent Third Party within 30 days.⁹ For the avoidance of doubt, this includes complaints referred back to the Freestyle Canada Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in this section.
8. Notwithstanding any provision in this Policy, Freestyle Canada may, at its discretion, or upon request by the Freestyle Canada Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Freestyle Canada will identify an individual to represent the organization.
9. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to the Freestyle Canada Independent Third Party and request that their identity be kept confidential. If the Freestyle Canada Independent Third Party considers that the Complainant's identity must remain confidential, the Freestyle Canada Independent Third Party may ask that Freestyle Canada take carriage of the complaint and act as the Complainant.¹⁰
10. If the Freestyle Canada Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Freestyle Canada Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.
11. In exceptional circumstances, the Freestyle Canada Independent Third Party may direct a complaint to be managed by Freestyle Canada if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member does not have policies in place to address the complaint. In such circumstances, Freestyle Canada shall have the right to request that a cost-sharing agreement is entered into with the Member as a pre-condition to Freestyle Canada managing the complaint.
12. Where the Freestyle Canada Independent Third Party refers a matter to be managed by a Member or

⁹ This timeline may be waived at the Freestyle Canada Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within 30 days of the occurrence of the incident. Any such decision by the Freestyle Canada Independent Third Party is not subject to appeal.

¹⁰ In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

affiliated organization, or where a Member or Club is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member and/or Club fails to conduct disciplinary proceedings within a reasonable timeline, Freestyle Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that Freestyle Canada acted reasonably in taking jurisdiction over the matter, Freestyle Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member and/or Club to Freestyle Canada.

Minors

13. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
14. Communication from the Freestyle Canada Independent Third Party, Internal Discipline Chair, or External Discipline Panel, as applicable, must be directed to the Minor's representative.
15. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
16. A Minor is not required to attend an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Freestyle Canada Independent Third Party Responsibilities

17. Upon receipt of a Reported complaint, the Freestyle Canada Independent Third Party has a responsibility to:
 - a) Determine whether the complaint falls within the jurisdiction of this Policy and whether it has been submitted in accordance with the deadlines indicated herein;
 - b) Determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of Freestyle Canada, or one of its Members or Clubs; and
 - ii. if the Member or Club is able to manage the complaint process¹¹.
 - c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith¹²;
 - d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
 - e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear

¹¹ In making this assessment, the Freestyle Canada Independent Third Party may determine that the Member or Club lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member or Club is not the appropriate instance to manage the complaint due to its seriousness (for example, clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member or Club.

If the Freestyle Canada Independent Third Party determines that the Complaint or Report should be handled by a Member or Club, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the further responsibilities listed herein. Where this Policy is adopted by a Member or Club, any reference to Freestyle Canada Independent Third Party below shall be understood as a reference to the Independent Third Party of the Member or Club.

¹² As indicated in the SDRCC's Investigation Guidelines, a Reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Freestyle Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

and adjudicate the matter.

Available Process

There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 4-6, the Freestyle Canada Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

Process #1 - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2
- c) Conduct contrary to the values of Freestyle Canada or those of one of its Members or Clubs
- d) Non-compliance with the policies, procedures, rules, or regulations of Freestyle Canada or those of one of its Members or Clubs
- e) Minor violations of the policies or bylaws of Freestyle Canada or those of one of its Members or Clubs

*The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Process #2 - the complaint contains allegations involving the following behaviours:

- a) Repeated incidents described in Process #1
- b) Hazing
- c) Abusive, racist, or sexist comments, conduct or behaviour
- d) Incidents that constitute Prohibited Behaviour under the *Code of Conduct and Ethics* (the "Code") or the UCCMS
- e) Major incidents of violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
- h) Conduct that intentionally damages the image, credibility, or reputation of Freestyle Canada or that of one of its Members or Clubs
- i) Consistent disregard for the bylaws, policies, rules, or regulations of Freestyle Canada or those of one of its Members or Clubs
- j) Major or repeated violations of the Code or any other policies, bylaws, rules or regulations that designate this Policy as applicable to address such alleged breaches
- k) Intentionally damaging the property of Freestyle Canada, one of its Members or Clubs, or improperly handling any of the aforementioned organizations' monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, cannabis or use or possession of illicit drugs and narcotics
- m) Criminal charges or a conviction for any *Criminal Code* offense

* The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

Provisional Suspensions

18. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Individual by the Chief Executive Officer of Freestyle Canada (or their designate)¹³ or the equivalent position of the relevant Member (where applicable) after which further discipline or sanctions may be applied according to this Policy.
19. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Chief Executive Officer of Freestyle Canada (or their designate) or the equivalent position of the relevant Member (where applicable).¹⁴
20. Notwithstanding the above, the Chief Executive Officer of Freestyle Canada (or equivalent position within a Member, where applicable), may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/or investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
21. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, Freestyle Canada or the Member (as applicable) shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
22. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

Process #1 – Handled by Internal Discipline Chair

23. Following the determination that the complaint or incident should be handled under Process #1, the Freestyle Canada Independent Third Party will appoint an Internal Discipline Chair¹⁵ who may:
 - a) Propose alternative dispute resolution techniques, if appropriate; and/or
 - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are

¹³ The term 'designate' includes the person with authority to impose a Provisional Suspension according to the situation.

¹⁴ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under the *Code of Conduct and Ethics*.

¹⁵ The Internal Discipline Chair must be unbiased and not in a conflict of interest. The Freestyle Canada Independent Third Party may consult with Freestyle Canada to identify an individual who satisfies the aforementioned criteria to act as the Internal Discipline Chair who has knowledge of the sport of freestyle skiing.

made (unless waived by a Party); and/or

- c) Following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.

24. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine, on the balance of probabilities, if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: **Sanctions**). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
25. The Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision within 14 days of any hearing or the date of receipt of the Parties' final submissions.
26. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the relevant club, Member and Freestyle Canada. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Process #2 – Handled by External Discipline Panel

27. Following the determination that the complaint should be handled under Process #2, the Freestyle Canada Independent Third Party will propose the use of alternative dispute resolution, if appropriate. If the dispute is not resolved using alternative dispute resolution, the Freestyle Canada Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Freestyle Canada Independent Third Party shall have the following responsibilities:
 - a) Coordinate all administrative aspects of the process and set reasonable timelines;
 - b) Provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) on the policies of Freestyle Canada, any Member or any other sport organization that had authority over the Respondent; and
 - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
28. The Freestyle Canada Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
29. If warranted based on the nature of the case, the Freestyle Canada Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Freestyle Canada Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
30. The Freestyle Canada Independent Third Party, in cooperation with the External 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.

31. The hearing will be governed by the procedures that the Freestyle Canada Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:

- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible in order to ensure that costs to the Parties and Freestyle Canada and/or the Member are reasonable.
- b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
- c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Freestyle Canada Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Freestyle Independent Third Party.
- d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
- e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.
- f) If not a Party, Freestyle Canada and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, Freestyle Canada and/or the relevant Member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision.¹⁶
- g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties.
- h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute or common law.
- i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.

¹⁶ The purpose of this provision is not to provide Freestyle Canada or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide Freestyle Canada or a Member with the possibility to provide the Panel with clarifying information when a Party (or the Parties) have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

32. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
33. The process will proceed if a Party chooses not to participate in the hearing, unless the Complainant(s) withdraw their complaint.
34. 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 complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.
35. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

Decision

36. After hearing and/or reviewing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
37. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Freestyle Canada Independent Third Party, including to Freestyle Canada and the relevant Member(s). Other individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.
38. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
39. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to Freestyle Canada and all of its Members and associated organizations.
40. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, Freestyle Canada or the Member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Individual(s) involved and the sanction(s) imposed, if any. However, notwithstanding the aforementioned, a Party, Freestyle Canada or a Member may make submissions to the Internal Discipline Chair or External Discipline Panel to request that all or part of a decision be kept confidential.¹⁷ Identifying information regarding Minors or Vulnerable Participants will never be published by Freestyle Canada or one of its Members. The Internal Discipline Chair or External Discipline Panel (as applicable) shall determine the length of time for which the aforementioned information is to be published. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply.

¹⁷ The Internal Discipline Chair or External Discipline Panel (as applicable) shall allow the Parties to provide their position on any such request and shall render a decision on the request. Any such decision shall not be subject to appeal.

41. If the External Discipline Panel dismisses the complaint, the information referred to in Section 40 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 40 above will be kept confidential by the Parties, the Freestyle Canada Independent Third Party, Freestyle Canada and the Member (including the Respondent's Club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.
42. Records of all decisions will be maintained by Freestyle Canada in accordance with its *Privacy Policy*.
43. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
- a) Jurisdiction;
 - b) Summary of the facts and relevant evidence;
 - c) Where applicable, the specific provision(s) of Freestyle Canada's (or a Member's) policies, bylaws, rules or regulations that have been breached;
 - d) Which Party or organization is responsible for the costs of implementing any sanction;
 - e) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) Any reinstatement conditions that the Respondent must satisfy (if any);
 - g) Which organization is responsible for ensuring that the conditions have been satisfied; and,
 - h) Any other guidance that will assist the Parties to implement the External Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

Sanctions

44. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider the following factors (where applicable):
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
 - c) The respective ages of the individuals involved;
 - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;

- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the Code; addiction; disability; illness; etc.);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
- j) Other mitigating or aggravating circumstances.

45. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.

46. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:

- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice that an Individual has violated the Code (or other policy) and that more severe sanctions will result should the Individual be involved in other violations.
- b) **Education** - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the Code or the UCCMS (or other policy).
- c) **Probation** - Should any further violations of the Code or the UCCMS (or other policy) occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Freestyle Canada and its Members. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension.
- e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
- f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Freestyle Canada and its Members.

- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

47. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges related to allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

48. An Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of Freestyle Canada and its Members. Such *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

49. Failure to comply with a sanction as determined by the Internal Discipline Chair or External Discipline Panel, as applicable, will result in an automatic suspension from participation in the activities of Freestyle Canada and its Members until such time as compliance occurs.

OSIC Sanction

50. As a Program Signatory to the OSIC, Freestyle Canada will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes will be implemented and respected within Freestyle Canada's jurisdiction (including at the provincial, territorial and Club level), once Freestyle Canada receives appropriate notice of any sanction or measure from the OSIC.

Appeals

51. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

Confidentiality

52. The discipline and complaints process is confidential and involves only Freestyle Canada (Chief Executive Officer and relevant staff as determined by the Chief Executive Officer), the applicable Member(s), the

applicable Club, the Parties, the Freestyle Canada Independent Third Party, the investigator (if one is appointed), the Internal Discipline Chair or the External Discipline Panel, and any independent advisors to the External Discipline Panel.

53. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 52 will disclose confidential information relating to the discipline or complaint, or any information obtained as a result of any step in the discipline and complaints process, to any person not involved in the proceedings, unless Freestyle Canada or a Member is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
54. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

Timelines

55. If the circumstances of the Reported complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the Freestyle Canada Independent Third Party may direct that these timelines be revised.

Privacy

56. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable
57. Freestyle Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Freestyle Canada Independent Third Party, investigator (if any), Internal Discipline Chair, External Discipline Panel, and any independent advisors to the External Discipline Panel), shall comply with Freestyle Canada's usual policies and practices regarding private and/or confidential information (or, where applicable, those of its Members) in the performance of their services under this Policy.



FREESTYLE CANADA

DISCIPLINE AND COMPLAINTS POLICY: APPENDIX A INVESTIGATION PROCEDURE

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	Freestyle Canada Investigation Policy – Discrimination, Harassment, Maltreatment and Prohibited Behaviour approved December 8, 2022
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy* (“Policy”) and is accepted by the Freestyle Canada Independent Third Party, the Freestyle Canada Independent Third Party will determine if the incident(s) should be investigated.
2. In exceptional circumstances, and only when the Freestyle Canada Independent Third Party considers that the conditions indicated in this section have been satisfied, the Freestyle Canada Independent Third Party may determine that a reported incident requires further investigation by an independent third-party investigator. The Freestyle Canada Independent Third Party will direct that an investigation be conducted:
 - Only if the Reported incident falls within Process # 2 in the Policy;
 - In accordance with and by an independent investigator appointed pursuant to this Investigation Procedure;
 - Where the Freestyle Canada Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to this Policy because they constitute a likely breach of the *Code of Conduct and Ethics*, the UCCMS, the *Social Media Policy*, or any other relevant and applicable [MEMBER] policy, or whether the allegations are frivolous, vexatious or made in bad faith; and
 - For the purpose of making non-binding recommendations to the Freestyle Canada Independent Third Party so that they may discharge their responsibilities pursuant to this Investigation Procedure.
3. If the Freestyle Canada Independent Third Party considers that an independent investigation must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary

procedures are commenced pursuant to the Policy; however, when an investigation is conducted and where it is necessary in the circumstances, a Provisional Suspension or interim measures may be imposed in accordance with the Policy.

4. Upon receipt of the investigator's report, the Freestyle Canada Independent Third Party shall determine whether the matter will proceed in accordance with Process #2 in the Policy and shall inform the Parties and Freestyle Canada or the Member (as applicable).
5. If the Freestyle Canada Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to the Policy, the matter shall proceed in accordance with Process #2.

Investigation

6. If the Freestyle Canada Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third party with training or investigation experience. The investigator must not be in a conflict-of-interest situation and should have no connection to either Party.
7. Federal and/or Provincial/Territorial legislation related to Workplace Harassment or Workplace Violence may apply to the investigation if Harassment/Violence was directed toward a worker in a Workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
8. The investigation may take any form as decided by the investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interviews with the Complainant(s)
 - b) Witness interviews
 - c) Statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant, and provided to the Respondent
 - d) Interviews with the Respondent(s)
 - e) Statement of facts (Respondent's perspective) prepared by the investigator, acknowledged by the Respondent, and provided to the Complainant

Investigator's Report

9. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the Policy because they constitute a likely breach of the *Code of Conduct and Ethics*, the UCCMS, or any other relevant and applicable Freestyle Canada or Member policy. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
10. The investigator's report will be provided to the Freestyle Canada Independent Third Party who will

disclose, at their discretion, all or part of the investigation to Freestyle Canada and the relevant Members (if applicable). The Freestyle Canada Independent Third Party may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Freestyle Canada Independent Third Party.

11. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, Freestyle Canada and, where applicable, the relevant Member, and the matter shall be referred by the Freestyle Canada Independent Third Party to the police.
12. The Investigator must also inform Freestyle Canada or the Member (as applicable) of any findings of criminal activity. Freestyle Canada or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of Prohibited Substances or Methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against Freestyle Canada or any Member(s) (as applicable), or other offences where the lack of reporting would bring Freestyle Canada or the Member (as applicable) into disrepute.

Reprisal and Retaliation

13. Any Individual who Reports a complaint to the Freestyle Canada Independent Third Party or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Prohibited Behaviour and may be subject to disciplinary proceedings pursuant to the Policy or, as applicable, the policies and procedures of the OSIC.

False Allegations

14. An Individual who submits allegations that the investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Prohibited Behaviour) may be subject to a complaint under the terms of the Policy. The investigator may recommend to Freestyle Canada or the Member (as applicable) that the Individual be required to pay for the costs of any investigation that comes to this conclusion. Any Individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Member and Freestyle Canada Events, activities or business. Freestyle Canada or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 14.

Confidentiality

15. The investigation process is confidential and involves only Freestyle Canada (Chief Executive Officer and relevant staff as determined by the Chief Executive Officer), the applicable Member(s), the applicable Club, the Parties, the Freestyle Canada Independent Third Party, and the investigator.
16. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 15 will disclose confidential information relating to the investigation, or any information obtained as a result of any step in the investigation process, to any person not involved in the proceedings, unless Freestyle Canada or a Member is required to notify an organization such as an international federation, Sport Canada or other sport

organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

Privacy

17. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable.
18. Freestyle Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Freestyle Canada Independent Third Party, the investigator), shall comply with Freestyle Canada's usual policies and practices regarding private and/or confidential information (or, where applicable, those of its Members) in the performance of their services under this Policy.



FREESTYLE CANADA

DISPUTE RESOLUTION POLICY

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	-
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Purpose

1. Freestyle Canada¹⁸ and its Members support Individuals in seeking to resolve their own conflicts and recognize that, in many cases, disputes can be resolved directly and quickly in an informal way. In situations where direct action by Individuals may be inappropriate or unsuccessful, Freestyle Canada and its Members support the principles of Alternate Dispute Resolution (ADR) to resolve disputes, which can be achieved through negotiation, facilitation, and mediation. ADR avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. Freestyle Canada and its Members encourage all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Freestyle Canada and its Members believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

Application of this Policy

3. This Policy applies to all Individuals.
4. Opportunities for ADR may be pursued at any point in a dispute when all Parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

5. If all Parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all Parties, shall be appointed to mediate or facilitate the dispute. The costs of the mediation or facilitation shall be borne by the Parties, unless agreed to otherwise with Freestyle Canada or the relevant Member (as applicable).

¹⁸ A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

6. Where Freestyle Canada is involved in the matter and where the SDRCC permits, Freestyle Canada may, upon agreement of the Parties, refer the matter for mediation using the mediation services of the SDRCC.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the Parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the settlement shall be reported to Freestyle Canada or the Member (as applicable). Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated settlement. Where Freestyle Canada may be required to implement any part of a negotiated settlement, it shall become a Party to the mediation or it shall be given the opportunity to approve the negotiated settlement, but only with respect to aspects of the settlement that it may be required to implement.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the Parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final and Binding

10. Any negotiated settlement will be binding on the Parties and shall, unless the Parties decide otherwise, remain confidential and will be protected by Freestyle Canada and/or the Member's usual policies and practices regarding private and/or confidential information, as applicable. Negotiated settlements may not be appealed.
11. No action or legal proceeding will be commenced against Freestyle Canada or a Member in respect of a dispute, unless Freestyle Canada or the Member has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

Privacy

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable.
13. Freestyle Canada, its Members, or any of their delegates pursuant to this Policy, shall comply with Freestyle Canada's usual policies and practices regarding private and/or confidential information (or, where applicable, those of its Members) in the performance of their services under this Policy.



FREESTYLE CANADA APPEAL POLICY

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	Replaces Freestyle Canada Appeal Policy approved December 8, 2022
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Purpose

1. This *Appeal Policy* (“Policy”) provides Individuals with a fair, affordable, and expedient appeal process.

Scope and Application of this Policy

2. This Policy applies to all Individuals. However, it does not apply to appeals of any decision related to the application of the UCCMS made by the OSIC, the Director of Sanctions and Outcomes, the SDRCC’s Safeguarding Tribunal or any other competent instance within the Abuse-Free Sport program.
3. Subject to Section 2, any Individual who is affected by a decision taken by Freestyle Canada¹⁹ or a Member (as applicable) specifically with regard to that Individual, including a decision by the Board, by any committee of the Board, or by any body or individual within Freestyle Canada or the Member (as applicable) who has been delegated authority to make decisions in accordance with Freestyle Canada or a Member’s bylaws and governance policies (as applicable), shall have the right to appeal that decision provided that it is a decision that is subject to appeal pursuant to Section 4 of this Policy, that the conditions indicated in Sections 6 or 7 of this Policy (as applicable) have been satisfied, and provided that there are sufficient grounds for the appeal pursuant to Section 8 of this Policy.
4. This Policy **will apply** to decisions relating to:
 - a) eligibility
 - b) selection decisions and AAP nominations
 - c) conflict of interest
 - d) disciplinary decisions made pursuant to Freestyle Canada or a Member’s relevant and applicable policies
 - e) membership

¹⁹ A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

5. This Policy **will not apply** to the following decisions relating to:
- a) Reported complaints that were managed by the OSIC;
 - b) Matters of general application such as amendments to Freestyle Canada or a Member's bylaws;
 - c) Freestyle Canada or a Member's operational structure and committee appointments;
 - d) Issues of budgets and budget implementation;
 - e) Employment matters or matters of operational structure or staffing or volunteer leadership opportunities;
 - f) Except as otherwise provided for in this Policy, decisions made by organizations other than Freestyle Canada or a Member, as applicable, such as the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the International Ski Federation (FIS), or any other governing body;
 - g) Selection criteria, quotas, policies and procedures established by entities other than Freestyle Canada or a Member;
 - h) Substance, content and establishment of selection criteria for selection opportunities (e.g. team selection criteria, event participation selection criteria, athlete funding selection criteria);
 - i) The Athlete Assistance Program (AAP) policies and procedures established by Sport Canada;
 - j) Policy and procedures established by any other agency, association or organization external to Freestyle Canada or a Member;
 - k) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport and the FIS;
 - l) Contractual matters between Freestyle Canada and its staff or Members for which another dispute resolution process exists under the provisions of the applicable contract;
 - m) Settlements negotiated pursuant to the *Dispute Resolution Policy*;
 - n) Event location and scheduling decisions made by Freestyle Canada or a Member; or
 - o) The content of the Freestyle Canada or a Member's policies, strategic plan, operational plan, governing documents

Timing of Appeal

6. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision²⁰ to submit to Freestyle Canada's Chief Executive Officer (or equivalent position of a Member) the following:
- a) Notice of the intention to appeal
 - b) Their contact information
 - c) Name of the Respondent and any Affected Parties, when known to the Appellant
 - d) Date the Appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of the decision if a written document is not available
 - f) Grounds and detailed reasons for the appeal
 - g) All evidence that supports these grounds

²⁰ Freestyle Canada may notify decisions via the following means: email to the Individual's most recent email address that it has on file; publication on Freestyle Canada's website, or other electronic means that permit direct communication with the Individual, such as WhatsApp. In such circumstances, notification shall be deemed to have been received on the date that Freestyle Canada publishes notification of the decision on its website and/or, as applicable, the date on which the Individual is sent the decision via email or the other electronic means.

- h) Requested remedy or remedies
 - i) An administration fee of five hundred dollars (\$500), which will be refunded if the appeal is upheld
7. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period may only do so if exceptional circumstances prevented them from filing their appeal within the deadline indicated in Section 6 above. Any such Individual must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager.

Grounds for Appeal

8. A decision cannot be appealed on its merits alone or because an Individual (or Individuals) do not like or agree with a decision. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
 - b) Failed to follow its own procedures (as set out in the Respondent's governing documents);
 - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or
 - d) Made a decision that was grossly unreasonable or unfair.
9. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 8 of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

Screening of Appeal

Internal Discipline Chair Decision – Members

10. A decision made by a Member's Internal Discipline Chair pursuant to the *Discipline and Complaints Policy* may be appealed before the Member's Appeal Panel in accordance with the terms of this Policy.
11. The Member shall appoint an Appeal Manager and shall follow the process outlined in Sections 21 and following of this Policy, modified and applied accordingly based on the circumstances.

External Discipline Panel Decision – Members

12. A decision made by a Member's External Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed before the Member's Appeal Panel in accordance with the terms of this Policy.
13. The Member shall appoint an Appeal Manager and shall follow the process outlined in Sections 21 and following of this Policy, modified and applied accordingly based on the circumstances.
14. Any decision by the Member's Appeal Panel in relation to an appeal filed pursuant to Sections 10 and 12 above shall be final and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the SDRCC on a fee-for-service basis.

Internal Discipline Chair Decision – Freestyle Canada

15. A decision made by Freestyle Canada’s Internal Discipline Chair pursuant to the *Discipline and Complaints Policy* may be appealed to the Freestyle Canada Appeal Panel in accordance with the terms of this Policy.

External Discipline Panel Decision – Freestyle Canada

16. A decision made by Freestyle Canada’s External Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed to the Freestyle Canada Appeal Panel in accordance with the terms of this Policy.

Other Decisions

17. Any other Freestyle Canada decision relating to the matters indicated in Section 4 above may be appealed in accordance with Sections 21 and following of this Policy. Member decisions relating to the matters indicated in Sections 4(a)-(c) and (e) may be appealed in accordance with Sections 21 and following of this Policy, modified and applied accordingly based on the circumstances. Member decisions relating to the matters indicated in Section 4(d) may be heard as indicated in Sections 10-13. Where Freestyle Canada was not the decision-maker in any of the decisions made pursuant to Section 4, it shall have a right of appeal and may appeal the decision in accordance with this Policy.

18. Notwithstanding any other provision in this Policy, by agreement between the Parties, the internal appeal process **in relation to decisions made by Freestyle Canada only** may be bypassed, and the appeal may be heard directly before the SDRCC, where permitted by the SDRCC.

19. Except where an appeal proceeds before the SDRCC, Freestyle Canada or the relevant Member (as applicable) shall appoint an Appeal Manager and shall follow the process outlined in Sections 21 and following of this Policy, modified and applied accordingly based on the circumstances.

Dispute Resolution

20. For appeals filed pursuant to Sections 10, 12, 15, 16 or 17, the Parties may first attempt to resolve the appeal through the *Dispute Resolution Policy* once the notice of the appeal, the fee, and the information required pursuant to Section 6 has been received.

Screening of Appeal

21. Should the appeal not be resolved by using the *Dispute Resolution Policy*, Freestyle Canada or the Member will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the Parties) who has the following responsibilities:

- a) To determine if the appeal falls under the scope of this Policy (Sections 2-5)
- b) To determine if the appeal was submitted in a timely manner (Sections 6 and 7)
- c) To decide whether there are sufficient grounds for the appeal (Section 8)

22. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision.
23. If the Appeal Manager accepts an appeal because it falls under the scope of this Policy, there are sufficient grounds and it was submitted in a timely manner, the Appeal Manager will notify the Parties of their decision in writing and will follow the steps described hereunder.

Appointment of Appeal Panel

24. If an appeal is accepted, the Appeal Manager will appoint an appeal panel which shall consist of a single member to hear the appeal. However, at the discretion of the Appeal Manager, an appeal panel composed of three members may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the panel's members to serve as the chair.
25. When appointing the appeal panel, the Appeal Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), and who do not have any direct relationship with any of the Parties. Although not a strict requirement, the Appeal Manager should attempt to appoint individuals to the appeal panel who have a legal background and who understand the sport of freestyle skiing. When justified by the circumstances, the Appeal Manager may appoint individuals to the appeal panel who have specific areas of expertise that would assist in resolving the matter.

Determination of Affected Parties

26. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage Freestyle Canada or the Member (as applicable). The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

27. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager, in collaboration with the appeal panel, shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
28. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
29. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, a hearing based on documentary submissions alone, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the appeal panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held in a timely manner within a timeline determined by the Appeal Manager
 - b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
 - c) Copies of any written documents which the Parties wish to have the appeal panel consider will be provided to all Parties in advance of the hearing

- d) The Parties may be accompanied by a representative, advisor, translator, transcription services, or legal counsel at their own expense
- e) The appeal panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
- f) The appeal panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The appeal panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties
- g) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute or common law.
- h) Any Affected Party shall be permitted to make submissions and file evidence before the appeal panel. The appeal panel's decision is binding on any Affected Party
- i) The decision to uphold or reject the appeal will be by a majority vote of the appeal panel members, except in cases where the panel consists of a single member

30. In fulfilling its duties, the appeal panel may obtain independent advice.

Appeal Decision

31. The appeal panel shall issue its decision, in writing and with reasons, within fourteen (14) days after the hearing's conclusion. In making its decision, the appeal panel will have no greater authority than that of the original decision-maker. The appeal panel may decide to:
- a) Reject the appeal and confirm the decision being appealed
 - b) Uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision
 - c) Uphold the appeal, in whole or in part, and vary the decision
 - d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, may be assessed against any Party. In assessing costs, the appeal panel will take into account the nature and amount of the costs, the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources
32. The appeal panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and Freestyle Canada or the Member (as applicable). In extraordinary circumstances, the appeal panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.
33. Subject to Section 34 below, unless the matter involves a Vulnerable Participant, once the deadline to appeal to the SDRCC (where applicable), as indicated in the Canadian Sport Dispute Resolution Code, has expired, Freestyle Canada or the Member (as applicable) shall publish the outcome of the appeal on their website. Publication shall be limited to, where applicable, the provision(s) of any relevant policies that have been violated, the name(s) of the Individual(s) involved, the sanction(s) or order imposed, if any. Additionally, where Freestyle Canada acts as the Complainant under Section 16 of the *Discipline and Complaints Policy* and any decision issued pursuant to that Policy is appealed, only Freestyle Canada, and not the original Complainant, shall be identified as an involved Individual. However, notwithstanding the aforementioned, a Party, Freestyle Canada or a Member may make submissions to the appeal panel to request that all or part of a decision be

kept confidential.²¹ Identifying information regarding Minors or Vulnerable Participants will never be published by Freestyle Canada or one of its Members. The appeal panel shall determine the length of time for which the aforementioned information is to be published.

34. If the appeal panel dismisses the appeal, the decision may only be published, as provided for in Section 30, with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Appeal Manager, Freestyle Canada and the Member and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.
35. Other individuals or organizations, including but not limited to, Members, shall be advised of the outcome of any decisions rendered in accordance with this Policy.
36. Any decision rendered pursuant to this Policy shall apply automatically to and must be respected by Freestyle Canada and its Members.
37. Records of all decisions will be maintained by Freestyle Canada and its Members in accordance with their respective privacy policies.
38. The appeal panel's decision is final and binding on the Parties, subject to their right to appeal the decision before the SDRCC. Notwithstanding any provision to the contrary in the Canadian Sport Dispute Resolution Code, appeals must be filed with the SDRCC within 14 days of receipt of the appealing Party's receipt of the appeal panel's decision.

Timelines

39. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the appeal, the Appeal Manager and/or appeal panel may direct that these timelines be revised.

Confidentiality

40. The appeals process is confidential and involves only Freestyle Canada (Chief Executive Officer and relevant staff as determined by the Chief Executive Officer), the Parties, the Appeal Manager, the appeal panel, and any independent advisors to the panel, as well as a Member (if applicable). Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
41. Any failure to respect the aforementioned confidentiality requirement may result in disciplinary action being taken against the Individual(s) in accordance with Freestyle Canada or the Member's relevant and applicable policies.

Final and Binding

²¹ The appeal panel shall allow the Parties to provide their position on any such request and shall render a decision on the request. Any such decision shall not be subject to appeal.

42. No action or legal proceeding will be commenced against Freestyle Canada, Members, or Individuals in respect of a dispute, unless Freestyle Canada or the Member (as applicable) has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

Privacy

43. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable.

44. Freestyle Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Appeal Manager, appeal panel) shall comply with Freestyle Canada's usual policies and practices regarding private and/or confidential information (or, where applicable, those of its Members) in the performance of their services under this Policy.



FREESTYLE CANADA SOCIAL MEDIA POLICY

Effective date	November 1, 2023
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	-
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	-

Preamble

1. Freestyle Canada²² and its Members are aware that Individual interaction and communication occurs frequently on social media. Freestyle Canada and its Members caution Individuals that any conduct falling short of the standard of behaviour required by this Policy and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

Application of this Policy

2. This Policy applies to all Individuals, Freestyle Canada and Members.

Conduct and Behaviour

3. For the avoidance of doubt, the following social media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:
 - a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, at Freestyle Canada, at a Member, or at other individuals connected with Freestyle Canada or its Members.
 - b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at an Individual, at Freestyle Canada, at a Member, or at other individuals connected with Freestyle Canada or its Members.
 - c) Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about Freestyle Canada or its Members, their stakeholders, or their reputation.

²² A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

- d) Inappropriate personal or sexual relationships over a social medium between Individuals who have a Power Imbalance in their interactions, such as between Athletes and Athlete Support Personnel, directors and officers, committee members and employees, officials and Athletes, etc.
 - e) Any instance of cyber-bullying or cyber-harassment between one Individual and another Individual, where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious or unwelcome behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.
4. All conduct and behaviour occurring on social media may be Reported pursuant to the *Discipline and Complaints Policy*.

Individuals' Responsibilities

- 5. Individuals acknowledge that their social media activity may be viewable and viewed by anyone, including Freestyle Canada, Members or other Individuals.
- 6. If Freestyle Canada or a Member unofficially engages with an Individual in social media (such as by retweeting a tweet or sharing a photo on Facebook) the Individual may, at any time, ask Freestyle Canada or the Member to cease this engagement.
- 7. When using social media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with Freestyle Canada or the Member.
- 8. Removing content from social media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the *Discipline and Complaints Policy*.
- 9. An Individual who believes that another Individual's social media activity is inappropriate or may violate the policies and procedures of Freestyle Canada or a Member should Report the matter in the manner outlined by the *Discipline and Complaints Policy*.

Privacy

- 10. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable



FREESTYLE CANADA SCREENING POLICY

Effective date	June 1, 2024
Archived date	-
Date last reviewed	October 20, 2023
Scheduled review date	TBC
Replaces and/or amends	-
Approved by and date	FC BOD October 20, 2023
Appendix(-ces) to this Policy	Appendix A – Screening Requirements Matrix

Preamble

1. Freestyle Canada²³ and its Members understand that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice amongst sport organizations that provide programs and services to the Canadian sport community, and specifically within freestyle skiing Clubs and associations.

Application of this Policy

2. This Policy applies to all individuals whose position with Freestyle Canada or a Member is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Participants.
3. Not all Individuals associated with Freestyle Canada or a Member will be required to obtain a police record check or submit screening documents because not all positions pose a risk of harm to Freestyle Canada, Members, or participants. Individuals will be subject to the screening requirements described in the Screening Requirements Matrix found in **Appendix A** of this Policy and shall comply with the screening application requirements as detailed therein. For any information on how to obtain an E-PIC or a VSC, please consult the Freestyle Canada Safe Sport webpage.

Screening Committee

4. The implementation of this Policy is the responsibility of an independent individual or individuals appointed by Freestyle Canada that will function as the Screening Committee for all screening applications received pursuant to this Policy. This independent individual or individuals (hereinafter referred to as the “Screening Committee”) will possess the requisite skills, knowledge and abilities to accurately assess screening documents and to render decisions under this Policy.
5. The Screening Committee will carry out its duties in accordance with the terms of this Policy.

²³ A separate document with term definitions that apply to all Freestyle Canada Policy is found online and in the Freestyle Canada Safe Sport Policy Manual.

6. The Screening Committee is responsible for reviewing all documents submitted with a screening application and, based on the review, making decisions regarding the related appropriateness of Individuals filling positions within Freestyle Canada or the Member, as applicable. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

Screening Requirements

7. A Screening Requirements Matrix is provided as **Appendix A**. All Individuals must comply with the requirements detailed therein when first engaged by Freestyle Canada or a Member and shall respect the renewal requirements indicated in Section 21 below.
8. If an individual subsequently receives a charge, conviction for, or is found guilty of an offense they will report this circumstance immediately to Freestyle Canada or the Member, as applicable. Additionally, the individual will inform the relevant organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
9. If Freestyle Canada or the Member learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with the *Discipline and Complaints Policy*.

Procedure

10. Individuals must submit the screening documents indicated in Appendix A, according to the category in which they fall, to the Screening Committee. If an Individual is uncertain of which category they fall into, they may contact Freestyle Canada or the Member for assistance. Any information submitted shall be subject to Freestyle Canada or the Member's usual policies and practices regarding private and/or confidential information, as applicable, will only be viewed on a need-to-know basis, and will be protected in accordance with the relevant and applicable privacy legislation.
11. An Individual who refuses or fails to provide the necessary screening documents, or makes an incomplete application, will be ineligible for the position sought. The Individual will be informed by the Screening Committee that their application and/or position will not proceed until such time as the screening documents are submitted. The Screening Committee is permitted to use automated messages generated by Freestyle Canada or one of its Member's membership platform or screening service to provide this information to the Individual.
12. Freestyle Canada and its Members understand that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, the organization may permit the Individual to participate in the role during the delay, provided that the Individual demonstrates that they have initiated the E-PIC or VSC application process. This permission may be withdrawn at any time and for any reason.
13. Freestyle Canada and its Members recognize that different information will be available depending on the type of screening document that the Individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted.

14. The Screening Committee will review all Level 1 and Level 2 screening applications, including any supporting documents and shall make a decision as indicated in Section 15 below. For Level 3 screening applications, the Screening Committee will only review cases where the Individual has made a declaration in their declaration form that may impact whether they can participate in the desired position.
15. Following the review of any Level 1 and Level 2 screening applications, the Screening Committee will decide whether:
 - a) The Individual has passed screening and may participate in the desired position;
 - b) The Individual has passed screening and may participate in the desired position with conditions;
 - c) The Individual has not passed screening and may not participate in the desired position; or
 - d) More information is required from the Individual.
16. In making its decision, and where relevant, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.
17. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:
 - a) If, in the last three years, they have committed:
 - i. Any offense of assault, physical or psychological violence
 - ii. Any offense for trafficking and/or possession of drugs and/or narcotics
 - iii. Any offense involving theft or fraud
 - b) If they have committed at any time:
 - i. Any offense involving a Minor or Minors
 - ii. Any offense involving the possession, distribution, or sale of any child-related pornography
 - iii. Any sexual offense
18. Notwithstanding Section 17 above, the Screening Committee may decide that an Individual has either not passed screening, or has passed screening with conditions (e.g. must not drive with Freestyle Canada members as passengers) if the screening documentation reveals any of the following:
 - a. Any offense involving the use of a motor vehicle that constitutes an offence of the *Criminal Code*

Conditions and Monitoring

19. Excluding the incidents above which, if revealed, would cause the Individual to not pass screening, the Screening Committee may determine that incidents revealed on an Individual's screening documents may allow the Individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee may apply and remove conditions at its discretion and will determine the means by which adherence to conditions may be monitored.

Minors

20. When screening Minors, Freestyle Canada and its Members will:
 - a) Not require the Minor to obtain a VSC or E-PIC; and
 - b) In lieu of obtaining a VSC or E-PIC, require the Minor to submit up to two (2) references.
21. Notwithstanding the above, Freestyle Canada or a Member may ask a Minor to obtain a VSC or E-PIC if the

organization suspects the Minor has received an adult sentence under the *Youth Criminal Justice Act*. In these circumstances, the organization will be clear in its request that it is not asking for the Minor's youth record. Freestyle Canada and its Members understand that they may not request to see a Minor's youth record.

Renewal

22. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, Individuals who are required to submit an E-PIC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:
- a) An E-PIC every three years
 - b) A Screening Disclosure Form every three years
 - c) A Screening Renewal Form every year
 - d) A Vulnerable Sector Check once
23. The Screening Committee may request that an Individual provide any of the above documents at any time. Such request will be in writing and reasons will be provided for the request.

Orientation, Training, and Monitoring

24. The type and amount of orientation, training, and monitoring will be based on the Individual's level of risk, at the discretion of Freestyle Canada or the Member, as applicable.
25. Orientation may include, but is not limited to: introductory presentations, facility tours, safe sport policy training, equipment demonstrations, parent/Athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
26. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
27. At the conclusion of orientation and training, the Individual may be required to acknowledge, in written form, that they have received and completed the orientation and training.
28. Monitoring may include but is not limited to: written or oral reports, observations, evaluations, tracking, electronic surveillance, and site visits.

Records

29. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings. This includes protecting all records in accordance with the relevant and applicable privacy legislation.
30. The records kept as part of the screening process include but are not limited to:
- a) An individual's Vulnerable Sector Check
 - b) An Individual's E-PIC (for a period of three years)
 - c) An Individual's Screening Disclosure Form (for a period of three years)

- d) An Individual's Screening Renewal Form (for a period of one year)
- e) Records of any conditions attached to an Individual's registration by the Screening Committee
- f) Records of any discipline applied to any Individual by Freestyle Canada, by a Member, or by another sport organization

Privacy

- 31. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Freestyle Canada's usual policies and practices regarding private and/or confidential information, or those of its Members, as applicable
- 32. Freestyle Canada, its Members, or any of their delegates pursuant to this Policy (i.e., Screening Committee), shall comply with Freestyle Canada's usual policies and practices regarding private and/or confidential information (or, where applicable, those policies and practices of its Members) in the performance of their services under this Policy.

Appendix A – Screening Requirements Matrix

IMPORTANT: please see section 22 of the Screening Policy for screening renewal requirements

Level	Description	Requirements	Examples
Level 1	Individual that holds a decision-making position, involved in high risk assignments, occupies position of trust and/or authority, has a supervisory role, directs others, involved with finances, and who have frequent or unsupervised access to Vulnerable Participants	<ul style="list-style-type: none"> - Complete an Application Form - Complete a Screening Disclosure Form - Complete and provide a VSC or an E-PIC*** - Provide one reference related to the position - Participate in training, orientation, and monitoring as determined by the organization - Provide a driver's abstract, if requested 	Certain organizational employees, full-time coaches, coaches that travel with athletes
Level 2	Athletes and individuals with direct athlete contact, individuals involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Participants	<ul style="list-style-type: none"> - Complete an Application Form - Complete a Screening Disclosure Form - Complete and provide an E-PIC - Provide one reference related to the position - Participate in training, orientation, and monitoring as determined by the organization - Provide a driver's abstract, if requested and relevant to the position 	Athletes (except Minor Athletes), training staff, Athlete Support Personnel, non-coach employees or managers, directors, coaches who are typically under the supervision of another coach, officials, Event organizing committee members
Level 3	Individuals with no direct contact with athletes, involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Participants	<ul style="list-style-type: none"> - Complete an Application Form - Complete a Screening Disclosure Form - Participate in training, orientation, and monitoring as determined by the organization 	Certain employees and Board members, certain volunteers, parents, Minors, or volunteers who are helping out on a non-regular or informal basis

*** VSCs will only be required for Individuals born before March 12, 1994; otherwise, Individuals born after March 12, 1994 will be required to obtain an E-PIC