



## **NBGA SAFE SPORT FRAMEWORK**

A Safe Sport environment is a healthy, positive, and inclusive environment free of all forms of abuse, maltreatment, and other potential harm. It prioritizes the health and wellbeing of all participants, creating an athlete-centred culture where everyone can thrive and perform at their best. A Safe Sport environment supports equitable opportunity, prohibits discriminatory practices, and treats all individuals with dignity, respect, and fairness.

### **Organizational Commitment**

The New Brunswick Gymnastics Association (NBGA) believes that all participants of its programs, events, and activities, and those of its member clubs, have the right to engage in a Safe Sport environment at all times, and is committed to facilitating such an environment for all participants, including athletes, coaches, administrators, employees, judges, coach developers, and volunteers.

The NBGA recognizes its special responsibility as a primarily youth-serving organization to develop and implement standards and mechanisms to safeguard the children and youth involved in its programs; however, it is imperative to safeguard and support the welfare of all participants in order to achieve an optimal Safe Sport environment. The NBGA embraces its responsibility to establish, promote, and maintain a sport culture that prioritizes the safety, rights, and welfare of each participant in ensuring a fulfilling gymnastics experience for everyone.

Creating and fostering a Safe Sport environment requires a collective effort within our sport community and is paramount to the administration and delivery of all gymnastics programs by the NBGA and its member clubs. The NBGA will work collaboratively with Gymnastics Canada (GymCan), other provincial/territorial gymnastics federations, member clubs, and external organizations to administer, support, and advance Safe Sport policies, education, and advocacy initiatives. Further, the NBGA will work with GymCan and our provincial/territorial partners to create alignment around Safe Sport policy and delivery within the gymnastics community.

### **Safe Sport Principles**

As we work together to preserve, strengthen, and grow our programs and services, the NBGA and its member clubs will adhere to the following Safe Sport principles:

- Prioritize the current and future wellbeing of each participant above all else
- Act in the best interests of all participants involved in our programs, events, and activities
- Respect, value, and champion the rights of all individuals in the gymnastics community at all times
- Engage in behaviours and practices that are ethical, developmentally-appropriate, and support the physical, psychological, social, and emotional welfare of participants
- Actively encourage meaningful inclusion of individuals irrespective of their age, race, colour, gender identity or expression, sexual orientation, language, religion, national or social origin, property, birth, physical or developmental abilities, athletic ability, or other status



- Strive to create joyful, positive, and growth-enhancing sport experiences
- Advocate for safe sport environments on local, provincial, and national stages

### **Organizational Responsibility**

The NBGA and its member clubs have a fundamental responsibility, as well as a legal and ethical obligation, to protect the health, safety, and physical and emotional wellbeing of every participant involved in their programs. As such, the NBGA and its member clubs have the individual and collective responsibility to:

- Embrace the organizational commitment to Safe Sport and embed the corresponding principles into their governance and operations
- Consider the Safe Sport principles in the development and implementation of programs, events, and activities
- Establish and oversee Safe Sport policies, procedures, and best practice guidelines that are clear, robust, and accessible, and continually review and update as necessary
- Ensure consistent implementation and enforcement of the ensuing policies, procedures, and best practice guidelines through all levels of the NBGA community
- Actively promote our Safe Sport commitment through our programs, events, and activities, and through consistent engagement, interaction, and communication with the NBGA community
- Provide and promote resources, tools, and initiatives that serve to educate the NBGA community on Safe Sport topics
- Facilitate the prompt identification and reporting of misconduct as well as a confidential, procedurally fair, and timely process for investigating and resolving allegations

### **Policy Framework**

The NBGA Safe Sport Framework is an overarching organizational guide for our vision of and commitment to a Safe Sport environment. The policies and best practices that fall within this framework are intended to provide a comprehensive set of principles that establish expected standards of behaviour, guide decision-making, and promote accountability for all individuals associated with the NBGA. Taken as a whole, these policies are intended to promote a sport culture that facilitates consistent, immediate, appropriate, and meaningful action should any issues arise, but that also prevents issues from arising in the first place. The policies and best practices that follow should be read and understood in conjunction with one another as they all contribute to a Safe Sport environment:

- Code of Ethics and Conduct p. 6
- Abuse, Maltreatment, and Discrimination Policy p. 13
- Athlete Protection Policy p. 18
- Screening Policy p. 23
- Complaints and Discipline Policy p. 32
- Investigations Policy p. 40
- Appeal Policy p. 42
- Alternative Dispute Resolution Policy p. 46



## **Policy Alignment**

The NBGA's Safe Sport Policy Framework has been adapted from GymCan's Safe Sport Framework and Policy suite. While adherence to this policy should also ensure compliance within the national framework, individuals participating in events under GymCan's purview are responsible for familiarizing themselves with all of their relevant policies, procedures, and regulations.

It is an expectation of membership with the NBGA that clubs embrace this framework in full and ensure their own policies and procedures meet or exceed the expectations laid out herein.

## **Scope of Policy**

The NBGA's Safe Sport Policy Framework applies to anyone attending, participating, observing, or otherwise engaged in any program, event, or activity sanctioned by or associated with the NBGA and its member clubs. Embracing and upholding a Safe Sport environment is the shared responsibility of:

- All members of the NBGA as defined in the by-laws including clubs and their athletes, coaches, employees, and board members, as well as NBGA employees, board members, judges, and volunteers who may or may not be affiliated with a member club
- All consultants, contractors, coach developers, technical observers, guest coaches, support personnel, and others who provide services to the NBGA or to member clubs
- Chaperones, managers, and other volunteers appointed to accompany athletes or teams to events, camps, competitions, or other activities
- Parents, volunteers and spectators attending or observing any program, event, or activity of the NBGA or its member clubs
- Members of the public whose behaviour is directed at the persons and members listed above

## **Policy Violations**

The NBGA takes any situation involving behaviour that contravenes the policies and practices encompassed within this framework very seriously. Any individual who wishes to report misconduct may do so by filing a complaint. Alleged violations will be addressed pursuant to the Complaints and Discipline Policy and may result in disciplinary and/or remedial action, including but not limited to written warnings, educational training, mediation, loss of privileges, probation, suspension, or expulsion from membership. Some misconduct may also require contacting law enforcement officials or taking legal action.

## **Failure to Report**

Individuals in positions of trust or authority who suspect or become aware of inappropriate conduct have a duty to report the behaviour to the NBGA. In some instances, failure to report actual or suspected misconduct, particularly in relation to abuse or maltreatment, is in itself a violation of the NBGA Safe Sport Policy and subject to the proceedings of the Complaints and Discipline Policy.

## **False Allegations**

An allegation is false if the events or conduct reported did not occur and the individual making the report knows that the events or conduct did not occur. Submitting an allegation of misconduct that is



knowingly false, malicious, or for the purpose of retribution, retaliation, or vengeance is in itself a violation of the NBGA Safe Sport Policy and subject to the proceedings of the Complaints and Discipline Policy. Further, an individual who submits a false allegation will be liable to pay for the costs of any discipline process or investigation that comes to this conclusion.

An allegation that cannot be substantiated by supporting evidence but was nevertheless filed in good faith is not considered a false allegation and shall face no repercussions.

### **Reprisal Prohibited**

Under no circumstances will the NBGA condone acts of retaliation against any individual who has reported behaviour that contravenes the Safe Sport Policy, who has made a good faith report of possible misconduct, or who has participated in any process or procedure under the Complaints and Discipline, Investigations, or Alternative Dispute Resolution Policy. Similarly, no individual may retaliate against anyone who is accused of having acted inappropriately in contravention of any policies. Retaliation after the conclusion of an investigation or discipline procedure is also prohibited. Any such conduct is in itself a violation of the NBGA Safe Sport Policy and subject to the proceedings of the Complaints and Discipline Policy.

Any individual who believes that they, or someone else, have been subjected to unlawful reprisal must promptly report those concerns to the NBGA.

### **Reciprocation Policy**

The NBGA operates within a multi-jurisdictional structure of club, provincial, and national-level sport contexts. It is an expectation of membership with the NBGA that clubs have mechanisms in place to manage complaints and allegations of misconduct arising from club-based activities and programming. It is also an expectation that member clubs will report discipline decisions to the NBGA; in turn, the NBGA will recognize and enforce sanctions imposed by clubs. Similarly, the NBGA will inform all applicable members of any discipline decisions taken at the provincial level. The NBGA also has a responsibility to notify GymCan of any membership suspensions or expulsions imposed provincially. The purpose of the reciprocation policy is to ensure consistent application of disciplinary sanctions, with the ultimate goal of providing a safe environment for all participants across all jurisdictions.

Failure to recognize or enforce a disciplinary sanction imposed by the NBGA, a member club, or GymCan is in itself a violation of the NBGA Safe Sport Policy and subject to the proceedings of the Complaints and Discipline Policy.

### **Reviewing, Amending, and Updating**

The NBGA will conduct a regular review of the Safe Sport Framework. The policies, procedures, and practices may be amended from time to time and new ones may be adopted, as appropriate.



## Definitions

The terms defined below shall apply throughout the Safe Sport Framework and related policies.

- *Athlete* – any individual who is registered with a member club in a recreational or competitive gymnastics class or program.
- *Individual* – any participant as defined below as well as anyone providing services to, or engaged in the activities of, the NBGA and its member clubs, including but not limited to, consultants, support personnel, guest coaches, event organizers, parents, and spectators.
- *Minor* – any individual who is under the age of majority; in New Brunswick, the age of majority is 19 years old.
- *NBGA* – the organization and its member clubs, and the environments in which they operate.
- *Parent* – any legal guardian or other responsible adult caring for a minor on behalf of the parent.
- *Participant* – any individual who is registered with the NBGA and engaging in its programs and services, including athletes, coaches, administrators, employees, judges, coach developers, and volunteers.
- *Programs, Events, Activities* – may be used interchangeably to refer to all business and services of the NBGA and its member clubs, including but not limited to: gymnastics classes, practices, training, and programming; camps, competitions, and associated travel; medical and sport-professional consultations, evaluations, and treatments that take place in the gymnastics environment; the work and office environment; meetings, coach education courses, and professional development; and social functions.
- *Support Personnel* – any individual who provides non-technical support to athletes or teams including but not limited to choreographers/dance instructors, mental performance coaches, nutritionists, physiotherapists, massage therapists, medical professionals, and other Integrated Support Team (IST) members, as well as team managers, chaperones, and other delegates.



## **CODE OF ETHICS AND CONDUCT**

The purpose of the Code of Ethics is to ensure a safe, positive, and inclusive gymnastics environment for participants of NBGA programs by setting out the minimum expectations of acceptable behaviour for all individuals within the scope of the Safe Sport Policy. The Codes of Conduct have similarly been developed to both guide and define additional expectations of behaviour for defined roles in the gymnastics community. The NBGA expects that the behaviour of all individuals will positively exceed these minimum standards.

This Code also applies to individuals' conduct outside of the NBGA's business and activities when such conduct adversely affects relationships within the NBGA and its work and sport environment, or is detrimental to the image and reputation of the NBGA. Such applicability will be determined by the NBGA at its sole discretion.

In order to maintain the privilege of membership in the NBGA and the right to engage in its programs, individuals shall act in accordance with this Code of Ethics and Conduct. Anyone who violates this Code may be subject to sanctions pursuant to the Complaints and Discipline Policy. Member clubs bear the responsibility for ensuring that their individual members are aware of and understand their obligations as members of the NBGA.

### **Code of Ethics**

The Code of Ethics aims to guide behaviour that reflects the principles of Safe Sport, building an athlete-centred culture of trust where the current and future wellbeing of participants takes precedence over anyone's success in the sport. It encompasses three main principles in guiding ethical behaviour: integrity, respect, and sportsmanship.

#### ***Integrity***

Individuals have a responsibility to present themselves, as ambassadors of the NBGA, in a manner reflective of high moral, ethical, and professional standards; they shall:

1. Dress neatly and in the appropriate or required attire
2. Use inoffensive language
3. Act with honesty, integrity, and the decorum appropriate to the circumstances
4. Take ownership of and be accountable for their own behaviour, actions, and decisions
5. Exercise transparency in decision-making with all due regard for privacy and confidentiality
6. Disclose all actual, potential, or perceived conflicts of interest
7. Act within the boundaries and the authority of their role
8. Develop, utilize, and maintain knowledge and competencies relevant to their role
9. Be familiar with and comply with the NBGA's bylaws, policies, procedures, rules, and other relevant regulations, and those of any other membership or licensing body to which they belong
10. Review and comply with the policies and standards of conduct governing events outside of the NBGA's purview (e.g., local club, GymCan, National Team, or FIG events)
11. Abide by all municipal, provincial, territorial, federal, and international laws applicable to the jurisdiction in which they are acting as representatives of the NBGA
12. Report to the NBGA any criminal charges, ongoing criminal investigations, convictions, or existing bail conditions of which they are subject



13. Refrain from and prevent the use of power, trust, or authority to encourage or coerce another person to engage in, view, or tolerate inappropriate, unethical, harmful, or illegal activities
14. Report immediately any conduct that is, or may be, in breach of the Safe Sport Policy and this Code in accordance with the Complaints and Discipline Policy
15. Cooperate fully with any investigation conducted or directed by the NBGA, a member club, Gymnastics Canada, and/or law enforcement authorities

### ***Respect***

Individuals have a responsibility to respect and promote the rights, dignity, and worth of all members of the NBGA and other individuals; they shall:

1. Treat everyone fairly, considerately, and reasonably
2. Support and foster an inclusive sport environment for all participants
3. Ensure that all participants are provided active opportunities to be heard, and that their voices are listened to and valued accordingly
4. Respect the property of others and not willfully cause damage thereto
5. Act to correct or prevent practices that are unjustly discriminatory
6. Respect the confidentiality appropriate to issues of a sensitive nature
7. Focus comments or criticism appropriately, avoid public criticism of individuals or of the NBGA, and follow appropriate lines of reporting to facilitate the effective resolution of problems
8. Refrain from any behaviour that constitutes abuse, maltreatment, or discrimination or that otherwise contravenes the Safe Sport Policy and this Code

### ***Sportsmanship***

Individuals have a responsibility to promote and uphold the sport of gymnastics in a positive and constructive manner; they shall:

1. Demonstrate the spirit of sportsmanship, fair play, and ethical conduct
2. Adhere to the rules of the sport and to the spirit of those rules
3. Provide positive comments that motivate and encourage participants' continued effort
4. Never ridicule a participant for a mistake or poor performance
5. Acknowledge the integrity of officials, respect their decisions, and accept their judgements
6. Show appreciation and respect to all participants, event organizers, parents, and spectators
7. Never attempt to intimidate, embarrass, or improperly influence any individual responsible for judging or administering a competition
8. Refrain from any deliberate cheating intended to manipulate the outcome of a competition, including offering or receiving bribes
9. Refrain from associating in the sport context with any person who is serving a sanction involving a period of ineligibility as a result of a doping violation

### ***Codes of Conduct***

Certain roles within the gymnastics community have Codes of Conduct to which individuals must adhere at all times while engaged in NBGA programs, events, or activities.



### ***Adults and Persons in Authority***

While everyone has a role to play in upholding a Safe Sport environment, adults and other individuals in positions of authority owe a special duty of care to athletes, minors, and other vulnerable persons. In addition to the Code of Ethics, adults and persons in authority have the responsibility to:

1. Recognize and be sensitive to the privilege, power, authority, and trust inherent to their roles
2. Ensure the gymnastics environment promotes the mental, emotional, and physical health and safety of all participants
3. Take all reasonable measures to ensure participants are safeguarded from harm
4. Act in the best interests of all participants, prioritizing their current and future health and wellbeing above all else
5. Establish and advocate for open and observable training, travel, and competition environments, meetings, and medical treatments
6. Establish and maintain clear, appropriate, and consistent boundaries in all interactions
7. Refrain from behaving in a sexual manner or engaging in a sexual or intimate relationship with any minor whatsoever or with any individual where a power imbalance may exist in the relationship
8. Respond promptly and appropriately to participant concerns
9. Treat all allegations or suspicions of misconduct seriously and immediately report any concern for the welfare of a participant to the NBGA and, if warranted, to the appropriate authorities
10. Complete and adhere to all required training related to athlete protection
11. Ensure all NBGA programs, events, and activities are conducted in an environment free of cannabis, prohibited or illegal substances, and alcohol abuse:
  - a. Never report to an event or activity while under the influence of prescription or non-prescription medications, cannabis, or any other substance that may result in cognitive or physical impairment, nor consume, use, or possess said substances while in the presence of athletes or minors or while in a position of responsibility or authority
  - b. Never report to an event or activity while under the influence of an illegal substance, nor consume, use, or possess any illegal substance at an event or activity
  - c. Never provide, promote, or condone the use of alcohol, cannabis, tobacco, or vaping products to athletes, minors, or vulnerable persons, nor provide, promote, or condone the use of drugs (other than properly prescribed medications) or illegal or prohibited substances or methods to any individual whatsoever
  - d. Avoid the use of tobacco or vaping products at events and activities, particularly in the presence of athletes or minors, and take reasonable steps to manage the responsible consumption of alcohol in appropriate social situations associated with events and activities

### ***Coaches***

The coach-athlete relationship is a privileged one that plays a critical role in the athlete's development as a whole person. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or subconsciously. In addition to the Code of Ethics, coaches have the responsibility to:





1. Represent their education, credentials, experience, achievements, and eligibility accurately, and ensure they have all the training and certification required by the NBGA for the athletes they are coaching
2. Manage their certification by ensuring their NCCP profile is up-to-date, renewing training as necessary, and completing maintenance requirements through professional development
3. Prepare athletes systematically and progressively using developmentally-appropriate practices that support their physical, psychological, and emotional development
4. Select events and activities that are suitable for the age, ability, and experience of the athletes
5. Foster learning and encourage behavioural change through positive feedback, constructive criticism, problem-solving, and other forms of positive discipline
6. Treat all athletes equally and refrain from any displays of favouritism
7. Accept and promote the athletes' personal goals
8. Provide athletes and their parents with the information necessary to be involved in decisions related to their athletic development and overall health and wellbeing, and encourage them to share in the decision-making process
9. Refer athletes to other coaches and sport specialists as appropriate
10. Communicate and cooperate with sport medicine professionals in the diagnosis, treatment, and management of athletes' injuries and health-related concerns
11. Refrain from harmful coaching practices, methods, and techniques, including any form of abuse, maltreatment, or discrimination
12. Ensure that training and competition sites are safe for all athletes and act quickly and appropriately in the case of emergency
13. Work collaboratively with other teams and coaches at competitions to ensure fair use of time, space, and equipment during warm-ups; assist other teams and coaches with equipment preparations to facilitate the efficient running of competitions
14. Receive approval from an athlete's personal coach before offering any advice or feedback to an athlete that might otherwise be seen as an attempt to undermine their expertise or encroach on their relationship with the athlete; never actively or intentionally recruit athletes from other clubs
15. Support the coaching staff at training camps and provincial and national team events, respect their authority, and work collaboratively with them
16. Know and follow the appropriate channels for formal inquiries and protests at competitions; keep informal discussions with judges focused on the performance of their own athletes
17. Keep discussions with parents focused on the progress and performance of their own child, avoiding comparisons to and refraining from discussing other athletes; never engage in discussions, aside from congratulatory statements, with parents from another club about their child's progress or performance, or that of any other athlete
18. When representing the NBGA as part of Team NB, adhere to any additional policies, responsibilities, and expectations as laid out in the Team Travel Handbook for Coaches

### ***Athletes***

In addition to the Code of Ethics, athletes, with the assistance of their parents where necessary, have the responsibility to:

1. Contribute to a safe and healthy gymnastics environment for all participants by demonstrating a positive attitude, respect for self and others, and a spirit of sportsmanship



2. Arrive at events on time, well-rested, well-nourished, and fully prepared to participate to the best of their abilities
3. Report in a timely fashion to their coach, club, or the NBGA (where appropriate) any medical problems or health-related concerns, including physician-prescribed medications, when such matters may limit their ability to train, travel, or compete
4. Adhere to the Anti-Doping Policy and uphold an athletic environment free of cannabis, alcohol, and drugs; specifically, athletes will:
  - a. Never consume, use, or possess any drugs (other than properly prescribed medications), alcohol, cannabis, tobacco, or vaping products while participating in events or activities, regardless of age
  - b. Never consume, use, or possess any illegal drugs or prohibited substances or methods
  - c. Never provide, promote, or condone the use of drugs (other than properly prescribed medications), alcohol, cannabis, tobacco or vaping products, or any illegal or prohibited substance or method to any individual whatsoever
5. When representing the NBGA as part of Team NB, adhere to any additional policies, responsibilities, and expectations as laid out in the Team Travel Handbook for Athletes

### ***Parents***

In addition to the Code of Ethics, parents of athletes have the responsibility to:

1. Ensure their child is participating willingly in all activities and for their own enjoyment
2. Direct any questions about their child's progress and performance to their personal coach; never approach coaches from another club or judges to inquire about any athlete's progress or performance
3. Keep discussions with their child's personal coach focused on the progress and performance of their own child, avoiding comparisons to and refraining from discussing other athletes
4. Recognize that coaches, support personnel, staff, and judges act in good faith and in the best interests of the athletes and of the sport as a whole
5. Ensure their child is aware of their responsibilities as athletes and adhering to the code of conduct
6. When their child is representing the NBGA as part of Team NB, adhere to any additional policies, responsibilities, and expectations as laid out in the Team Travel Handbook for Athletes and Parents

### ***Member Clubs***

In addition to the Code of Ethics, member clubs have the responsibility to:

1. Govern their club with integrity, transparency, and strong competency in operations
2. Have well-defined hiring practices and standards in place, including interviews, reference checks, and other procedures that align with the NBGA Screening Policy
3. Manage their club and their programs with the best interests of their athletes, coaches, and other members in mind
4. Emphasize fair play, stage-appropriate skill development, and provision of a safe, healthy, and inclusive sport environment in all of their programs
5. Provide an open and observable training environment at all times



6. Ensure that the sport is conducted in an environment free of cannabis, illegal substances, and alcohol abuse
7. Encourage and support professional development for coaches, staff, and volunteers
8. Adhere to the NBGA's governing documents and, where necessary, amend their own rules to comply or align with those of the NBGA
9. Ensure all participants are registered and in good standing, and that they are aware of the expectations of conduct as members of the NBGA
10. Notify the NBGA of any serious complaint or major conduct infraction as per the Complaints and Discipline Policy, and immediately advise the NBGA of any instance where a complaint has been publicized in the media
11. Promptly and thoroughly investigate any possible or actual misconduct, impose appropriate disciplinary or corrective measures when misconduct has been substantiated, and provide a copy of all decisions rendered to the NBGA

### ***Board of Directors and Committee Members***

In addition to the Code of Ethics, members of the board and committees have the responsibility to:

1. Respect the needs and priorities of members as a whole and focus efforts on advancing and strengthening the current and future direction of the organization
2. Approach all board and committee issues with an open mind, critical thought, and the intent to make decisions that are strictly in the NBGA's best interests
3. Refrain from serving on the board or committees for their own personal advantage or for the advantage of any other individual, group, or constituency
4. Be independent and impartial, and remain uninfluenced by self-interest, outside pressure, expectation of reward, or fear of criticism
5. Be familiar with all NBGA governance documents and keep informed about the organization's activities, the provincial sport community, and general trends in the sectors in which they operate
6. Commit the time to attend meetings and be diligent in preparation for participation in discussions
7. Ensure the NBGA's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
8. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the NBGA is incorporated
9. Respect the decisions of the majority and resign if unable to do so
10. Abide by the NBGA's policies on confidentiality and conflict of interest
11. Respect and uphold the trust of those who elected or appointed them to the board or committee

### ***Judges***

In addition to the Code of Ethics, judges have the responsibility to:

1. Maintain thorough and up-to-date knowledge of the Code of Points, technical regulations, and rules governing any competition at which they are officiating
2. Wear the prescribed uniform and be in possession of all necessary materials to perform their duties



3. Attend judges' meetings and prepare in advance to facilitate the efficient running of the competition
4. Exemplify professional, ethical, and unbiased behaviour, and not allow anything to influence, or give the appearance of influencing, their judgement in rendering fair and impartial scores
5. Evaluate each exercise accurately, consistently, quickly, objectively, fairly, and within the rules and regulations of the competition
6. Be fully and independently responsible for their own scores and not attempt to explain other judges' assessments or decisions
7. Communicate respectfully and effectively with other judges, minor officials, staff, volunteers, coaches, and athletes
8. Support the work of other officials and assist with the development of less-experienced judges
9. Honour all assignments unless unable to do so by virtue of illness or personal emergency
10. When representing the NBGA as part of Team NB, adhere to any additional policies, responsibilities, and expectations as laid out in the Team Travel Handbook for Judges

### ***Support Personnel***

In addition to the Code of Ethics, support personnel for athletes and teams have the responsibility to:

1. Treat all athletes equally and refrain from any displays of favouritism
2. Provide athletes and their parents with the information necessary to be involved in decisions related to their athletic development and overall health and wellbeing, and encourage them to share in the decision-making process
3. Respect and uphold the confidentiality of personal and medical information and share pertinent information with appropriate personnel only
4. Maintain appropriate records as required by the NBGA or member club and any applicable licensing body to which they belong
5. Maintain good standing with any professional bodies of which they are a member
6. When representing the NBGA as part of Team NB, adhere to any additional policies, responsibilities, and expectations as laid out in the Team Travel Handbook for Team Personnel



## ABUSE, MALTREATMENT, AND DISCRIMINATION POLICY

The NBGA considers abuse, maltreatment, and discrimination to be very serious offences and has zero tolerance for any such behaviour. It is the expectation of the NBGA that participant conduct will always reflect the highest standards, which means not engaging in, allowing, condoning, or ignoring any behaviour described within this policy. The NBGA recognizes the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), which has been developed on behalf of the Canadian national sport system. Key elements of the UCCMS are incorporated within this policy and throughout the NBGA Safe Sport Framework.

In general, an individual's behaviour need not be deliberately or actually harmful for it to qualify as abuse, maltreatment, or discrimination; rather, it is determined by the objective behaviour itself, not whether harm is intended or results from the behaviour. It is enough if the individual knew or ought reasonably to have known that their behaviour would be inappropriate or unwelcome, or that it had the potential to cause harm to another individual. In addition, while these behaviours are often persistent, pervasive, or patterned in nature, a single serious instance of such behaviour may result in harm to an individual or group of people and thus, may constitute abuse, maltreatment, or discrimination.

The following policy provides broad definitional parameters and some specific examples of the various types of abuse, maltreatment, and discrimination that may occur in the sport environment. For a more robust overview of behaviours that could be in violation of this policy, please refer to the [UCCMS](#) and GymCan's [Abuse, Maltreatment, and Discrimination Policy](#). The categories of abuse, maltreatment, and discrimination are not mutually exclusive, nor are the examples provided an exhaustive list; what matters for the assessment of maltreatment is whether the conduct falls into one more of the categories, not into which category it falls. Importantly, abuse, maltreatment, and discrimination do not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance as per the guidance prescribed within the National Coaching Certification Program.

### Abuse

Behaviours that constitute abuse and maltreatment are typically categorized based on the nature of the relationship in which the behaviour occurs. Abuse tends to occur in a critical relationship in which an individual is dependent on someone in a position of authority for safety, trust, and fulfillment of needs. Examples of critical relationships in the sport environment include the relationship between coach and athlete or between athlete and support personnel. Types of abuse include:

- **Physical Abuse:** the exercise of physical force or behaviour that has the potential to cause physical harm or inflict physical injury; for example:
  - Hitting, punching, shaking, pushing
  - Squeezing, pinching, restraining
  - Conditioning to the point of vomiting
  - Overstretching or excessive repetition of a skill to the point of injury
  - Disregarding medical advice or forcing a premature return to training following injury
- **Emotional Abuse:** the use of words or non-contact physical acts as a means to control, frighten, or isolate someone, or to take away their self-respect; for example:
  - Shouting, intimidating, name-calling



- Belittling, humiliating, body-shaming
- Displaying threatening gestures
- Hitting or throwing objects in frustration
- Social isolation or denial of attention and support
  
- **Sexual Abuse:** any sexual interaction with a person of any age that is perpetrated against that person's will, without consent, or in an aggressive, exploitative, coercive, manipulative, or threatening manner; for example:
  - Voyeurism
  - Sexual solicitation or reward for sexual favours
  - Non-consensual distribution of intimate images
  - Sexual assault
  - Any sexualized interaction with a minor by an adult
  
- **Neglect:** an act of omission in care and/or general deprivation of attention, where an individual fails to protect and nurture the health and welfare of the person(s) in their care; for example:
  - Inadequate supervision
  - Ignoring injury
  - Denying adequate hydration or nutrition
  - Abandonment following a poor training or competitive result
  - Failure to intervene when made aware of misconduct
  
- **Grooming:** the process by which an individual builds the trust of a minor, and the adults and peers around them, through subtle behaviours that do not appear to be inappropriate, while gradually blurring or testing boundaries and normalizing inappropriate, abusive, or exploitative behaviour; for example:
  - Creating opportunities to engage privately with a minor or their family outside of the sport context
  - Engaging in private phone calls, social media, and text communications
  - Giving special privileges, sending personalized gifts, or sharing personal photographs
  - Providing massages or other purported therapeutic interventions with no specific training or expertise
  - Asking the minor to keep secrets, including discouraging them from telling others about their relationship

## Maltreatment

Maltreatment typically occurs in other types of relationships in sport where a dependency does not exist per se (e.g., relationships between athletes or between coaches). In these relationships, power imbalances may be present but tend not to be officially prescribed positions of authority or trust. Types of maltreatment in the sport environment include:

- **Harassment:** a course of vexatious comment or conduct directed toward an individual or group that is known or ought reasonably to be known to be unwelcome, inappropriate, or otherwise offensive; for example:
  - Written or verbal abuse, threats, or outbursts
  - Condescending or patronizing behaviour intended to undermine self-esteem or diminish performance



- Spreading malicious rumours or gossip about an individual or a group
- Socially excluding or isolating an individual from a group or team
- Pranks or practical jokes which may cause embarrassment, endanger a person's safety, or negatively affect performance
  
- **Sexual Harassment:** a course of vexatious comment or conduct directed toward an individual or group because of their sex, sexual orientation, gender identity, or gender expression that is known or ought reasonably to be known to be unwelcome, inappropriate, or otherwise offensive; for example:
  - Bragging about sexual ability
  - Unwanted physical contact including touching, petting, pinching, hugging, or kissing
  - Sexually degrading words used to describe an individual
  - Leering or other suggestive or obscene gestures
  - Unwelcome inquiries into or comments about an individual's sex life, gender identity, or sexual orientation
  
- **Racial Harassment:** a course of vexatious comment or conduct directed toward an individual or group because of their race, colour, or national or ethnic origin that is known or ought reasonably to be known to be unwelcome, inappropriate, or otherwise offensive; for example:
  - Racial or ethnic slurs, nicknames, or name calling
  - Mimicry
  - Referring to an individual's race or ethnicity in negative, vulgar, or derogatory terms
  - Sharing or displaying material that is discriminatory such as racist jokes or cartoons
  - Insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin
  
- **Bullying:** physical, verbal, or psychological attacks or intimidations that may cause fear, distress, or potential harm to others.
  
- **Hazing:** an abusive and often humiliating form of initiation expected of an individual joining a group that degrades or intentionally and recklessly endangers the mental and physical health of the individual, regardless of their willingness to participate in the activity.

Maltreatment can take place through any form or means of communication, be it face-to-face verbal communication, written or visual means, online or via social media (cyber-harassment/cyber-bullying), or through a third party.

### **Discrimination**

Discrimination is defined as an action or decision that results in differential or unfair treatment of an individual based on one or more prohibited grounds, which include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, or any other prohibited grounds in accordance with applicable human rights legislation. A discriminatory practice is to deny access to goods, services, facilities, or accommodation customarily available to the general public, or to differentiate adversely in relation to any individual based on a prohibited ground of discrimination. Examples of conduct in the sport environment that may be considered discrimination include:



- Prohibiting the use of washrooms/changerooms that align with an individual's gender identity
- Failure to accommodate religious dress in policies and practices related to participant attire
- Restricting competition opportunities based on unnecessary citizenship or residency requirements
- Refusal to make reasonable accommodations to allow individuals with disabilities to participate
- Inequitable funding opportunities for women/girls and men/boys without reasonable justification

### **Prevention of Abuse, Maltreatment, and Discrimination**

The NBGA has implemented measures aimed at preventing behaviours that constitute abuse, maltreatment, and discrimination. These measures include screening requirements for individuals who engage with athletes based on the level of trust and authority inherent to their role, and training individuals to recognize and address misconduct in sport. It is the responsibility of member clubs to ensure that their coaches, staff, and volunteers meet the minimum screening and training requirements prescribed by the NBGA, and to take additional measures such as orientation sessions for new members and regular monitoring of those individuals who interact with athletes.

### **Reporting Abuse, Maltreatment, and Discrimination**

- **Right to Report**  
Any individual who believes they have experienced abuse, maltreatment, or discrimination in the sport environment has the right to file a formal complaint through the Complaints and Discipline Policy.
- **Duty to Report**  
Any individual who has witnessed or becomes aware of misconduct that contravenes this policy, or who has reasonable suspicion of misconduct, has the obligation to file a formal complaint and may be required to notify law enforcement. The person making the report does not need to determine whether a violation of any policies took place, nor should they attempt to investigate or evaluate the credibility or validity of an allegation; the responsibility lies in reporting the objective behaviour.

The duty to report extends beyond misconduct in the sport environment to include any disclosure of abuse from a minor or vulnerable adult<sup>1</sup> as well as any reasonable grounds to believe that a minor or vulnerable adult needs protection. If a child or vulnerable adult has disclosed any incident of abuse to you, or if you have reason to believe that they are a victim of abuse, you must immediately report the incident or concerns to law enforcement and/or child welfare authorities. If the abuse is happening in the sport environment, you must also immediately inform the NBGA and/or the member club. Potential warning signs of abuse in minors can include:

- Recurrent unexplained injuries
- Alert behaviour – always seems to be expecting something bad to happen
- Often wears clothing that covers up their skin, even in warm weather

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<sup>1</sup> A vulnerable adult is any adult who, because of disability or other circumstance, is in a position of dependence on others or is otherwise at greater risk than the general population of being harmed by people in positions of trust or authority.





- Startles easily, shies away from touch, or shows other skittish behaviour
- Constantly seems fearful or anxious about doing something wrong
- Withdrawn from peers and adults
- Behaviour that fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
- Acting either inappropriately beyond their age (like an adult; taking care of other children) or inappropriately younger than their age (like an infant; throwing tantrums)
- Acting out in an inappropriate sexual way with toys or objects
- New adult words for body parts and no obvious source
- Self-harm
- Not wanting to be alone with a particular child or young person

Warning signs of abuse in vulnerable adults include:

- Depression, fear, anxiety, or passivity
- Unexplained physical injuries
- Poor hygiene, rashes, or pressure sores
- Dehydration, malnutrition, or lack of food
- Over-sedation

If you believe that danger or violence are imminent and that a participant is at immediate risk, you should:

- Do nothing to put yourself at risk
- Help the participant withdraw from the situation, if possible
- Inform others nearby of the situation, if possible
- Call 9-1-1 if the situation requires immediate attention
- Report the situation pursuant to the Complaints and Discipline Policy and to law enforcement, if warranted

- **Confidentiality of Disclosure**

Any individual who receives a disclosure of abuse from a minor or vulnerable adult shall adhere to all disclosure and reporting responsibilities required by any government entity, law enforcement, or child protection agency while otherwise respecting the duty of confidentiality. The individual shall respond to the disclosure in a supportive, comforting, and non-judgemental manner but shall also explain their obligation to share the information with the parent, the organization, and/or law enforcement.



## **ATHLETE PROTECTION POLICY**

The NBGA is an athlete-centred organization and, as such, strives to ensure that each athlete's experience is one of quality, safety, and enjoyment. All athletes, regardless of age, experience a power imbalance in their relationships with most other individuals within the gymnastics community, making them vulnerable to abuse, maltreatment, and other potential harm. It is imperative, therefore, that the NBGA develops guidelines to protect athletes and to support those individuals tasked with creating and maintaining a Safe Sport environment.

For the purpose of this policy, any individual who holds a position of authority in relation to athletes shall be referred to as a Person in Authority; this includes, but is not limited to, coaches, judges, support personnel, administrators, board and committee members, and staff. In addition to adhering to the Principles of Safe Sport and the Code of Ethics and Conduct, Persons in Authority have the responsibility to respect the following principles and guidelines in all interactions with athletes.

### **Athlete Rights**

Athletes participating in the NBGA's programs, events, and activities, and those of its member clubs, have the expectation and the right to:

- Participate in a safe, healthy, and inclusive environment
- Have qualified, experienced, and athlete-centred leadership that attends to their wellbeing and developmental needs
- Participate in a transparent and clean sport environment that has fair officiating, clear rules, and appropriate training and competition schedules
- Feel empowered, use their voice, and share in the leadership and decision-making of their sport experience
- Have appropriate opportunities for proper preparation for competitions
- Receive information that is important to their wellbeing and be advised of all opportunities to strive for success
- Access education related to the sport and their participation, welfare, and safety, as well as to work or study throughout their active participation in gymnastics
- Be respected, treated with dignity, and safeguarded from abuse, maltreatment, and discrimination
- Report misconduct without fear of reprisal
- Know, understand, protect, and advocate for their own rights

### **Rule of Two**

The goal of the Rule of Two is to ensure that all interactions and communications with athletes in the sport environment are open, observable, and justifiable. It is designed to protect athletes, especially minor athletes, from potentially vulnerable situations by ensuring that, except in emergency situations, a coach is never alone or out of sight with an athlete – at the very least, multiple athletes must be present with a single coach. Ideally, there will always be at least two screened and NCCP-trained coaches present in all interactions with athletes; furthermore, at least one of the coaches will be of the same gender as the athlete(s) present.



While the Rule of Two is predominantly concerned with interactions between athletes and coaches, the principle applies to all interactions between athletes and Persons in Authority<sup>2</sup>, whether in the gym or other spaces related to the gymnastics environment such as meeting rooms, offices, change rooms, hotel rooms, in vehicles, during medical treatments, and while traveling. The NBGA is committed to creating a safe environment for all individuals, and will make every effort to ensure its members are never placed in a situation that might compromise the Rule of Two. The NBGA expects that member clubs will adhere to this same standard.

***Best practices for implementing the Rule of Two within clubs:***

- Allow the training environment to be open to observation.
- Ensure that any one-on-one interaction between an athlete and a Person in Authority takes place within earshot and view of another adult.
- Screen staff, volunteers, and/or parents and educate them on the principles of Safe Sport so that, should there be a circumstance where a second screened and NCCP-trained coach is not available, one of these adults can be recruited.
- Consider the gender of the participants when selecting coaches and volunteers for events and activities.
- Educate parents on the Rule of Two and on their responsibility to contribute to a safe environment; parents should be reminded not to put coaches in a situation that violates the Rule of Two by, for example, picking their child up on time and arranging for transportation with other parents rather than relying on the coach.

**Electronic Communication**

Electronic communication between athletes and Persons in Authority should respect the following:

- The regular method of electronic communication should be group messages, group emails, or team pages, and should include the parents of any minor athletes
- One-to-one electronic communication through text messages or social media may be used if necessary for communicating information directly related to the activity or the team; if the athlete is a minor, the Person in Authority should have parental permission to contact the athlete via such means, and should include the parent whenever possible
- All communication must be professional in tone and non-personal in nature; examples of appropriate and necessary communication to athletes include:
  - Notifications of practice and competition times and locations,
  - Notifications of schedule changes, cancellations, or absences,
  - Reminders about deadlines, equipment to bring, etc.
- If a phone call to an athlete is necessary, it is good practice to place the call in the presence of another adult or Person in Authority
- Electronic communication should take place only between the hours of 6:00am and 10:00pm unless extenuating circumstances justify otherwise.
- Communication that is personal in nature should be avoided; if such communication occurs, it must be recorded and available for review by another Person in Authority and/or by the athlete's parent, regardless of who initiated the communication.

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<sup>2</sup> The Rule of Two does not apply if the Person in Authority is the athlete's parent.



- Communication concerning drugs or alcohol use (unless regarding their prohibition) is not permitted; no sexually explicit language or imagery or sexually-oriented conversation may be communicated in any medium.
- One-to-one communication via hand-written or printed notes and letters should be avoided.

### **Physical Contact**

Physical contact is a necessary and important component of working with and caring for children in the sport environment, whether it's a coach spotting a new skill, a physiotherapist taping an injured ankle, or a team chaperone tying back a young gymnast's hair in preparation for competition. As a standard of measure, physical contact between a Person in Authority and an athlete should be directly related to that individual's job description.

For coaches, spotting, supporting, and shaping the athlete is an essential part of their role in that it helps the athlete to understand shapes, movement patterns, and complex skills, and also reduces the risk of injury due to a fall or error in performance. It is the position of the NBGA that such physical contact that is reasonably intended to coach, teach, or demonstrate a skill to an athlete, as well as safety actions such as spotting or catching an athlete, are acceptable and appropriate forms of touch in the sport of gymnastics. In most cases, spotting for guidance should be used only when needed to orientate or position the athlete so they can replicate the movements. Likewise, spotting for safety should be used only when needed, with the goal of designing and using safe progressions as often as you can.

#### ***Guidelines for spotting and other appropriate boundaries for physical contact:***

- The ideal hand placement for spotting is on the side of the athlete's hips and trunk.
- Avoid physical contact of sensitive areas of the body (i.e., genital area, buttocks, and breasts).
- If accidental, unintended touch occurs as a result of error in the performance of the athlete or the coach's spotting, apologize immediately. If this occurs more than two times, STOP and take stock of the problem. Ask yourself what changes you can make to ensure that accidental, unintended touch is less likely to happen. It is good practice to report the unintended contact to the athlete's parent.
- Avoid placing yourself in awkward or compromising spotting positions (i.e., any position that may be thought of as unnecessary positioning by a reasonable observer).
- Assistance in stretching must exclude excessive force and inappropriate positioning; avoid standing or kneeling between an athlete's legs and do not lie on an athlete. When possible, use partner exercises between athletes.
- It is good practice to, whenever possible, clarify where and why any physical contact will occur, making it clear that the coach is requesting rather than requiring physical contact.
- Educate parents on spotting and stretching guidelines.
- Non-threatening physical interactions such as high-fives, pats on the back, handshakes, and brief hugs are acceptable; hugs lasting longer than five seconds, cuddling, horseplay, or other physical contact initiated by the Person in Authority is not permitted.
- Some athletes may initiate hugging or other physical contact with a coach for reasons of celebrating a new skill or crying after a poor performance; this physical contact should always be limited to circumstances where the coach believes it is in the best interest of the athlete and when it occurs in an open and observable environment.



## Photography and Video

In addition to capturing moments of pride, celebration, and friendship at competitions and social events, photography and video may be used as a means of teaching and learning through technical analysis for performance improvement. Any photograph or video of an athlete must respect the following:

- Photographs and video must be taken in public view and must observe generally accepted standards of decency.
- If photographs or videos will be taken in the training setting for skill analysis, parents of minor athletes should be informed; in these circumstances, it is good practice to use a recording device owned by the club rather than a coach's personal device.
- An Image Consent Form must be completed before any photograph or video of an athlete can be used on a public forum, whether for promotional, educational, or other purposes.
- Persons in Authority must receive permission from the athlete (or their parent) prior to sharing any photograph or video through their personal social media or any other means.
- The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.

## Travel and Accommodations

In general, athletes and their parents are responsible for making arrangements for local everyday travel related to gymnastics. In the past, it was common practice for well-meaning coaches to assist in the transportation of athletes to help parents accommodate a busy gymnastics schedule. However one-to-one transportation has been identified as an area of increased vulnerability for all participants. Therefore, the NBGA strongly recommends that Persons in Authority do not transport or be expected to transport athletes to or from gymnastics-related activities. If a club assumes responsibility for organizing transportation for club events, it is good practice to ensure that those who are responsible for transporting a group of athletes have the appropriate credentials (e.g., valid driver's license, insurance, clean driver's abstract, other risk management requirements), and that parents provide their consent.

The NBGA does not condone one-to-one transportation between an athlete and a Person in Authority. In situations where one athlete and one Person in Authority must travel together to out-of-town events and it is not feasible for another adult to be present, the pair must make arrangements to use public transportation to and from the event, as well as for any local travel required while at the event. The Rule of Two would be considered to be upheld in circumstances where an athlete and a Person in Authority are in an open and observable public space (e.g., bus, train, plane) or sharing transportation with other individuals (e.g., taxi, Uber, carpooling, shuttles, etc.).

For overnight stays organized by the NBGA, the following criteria will be observed in selecting accommodations and making room assignments; the NBGA also recommends implementing these criteria for club-based travel:

- Accommodations shall be arranged through hotels, motels, and college/university dormitories; the NBGA does not use homestay services such as Airbnb.
- Athletes shall be paired/grouped for shared accommodations with other athletes of a similar age (ideally within two years) and of the same gender.



- Adult athletes shall not be paired/grouped with minor athletes.
- Athletes, regardless of age, shall not be paired/grouped with Persons in Authority unless the Person in Authority is the athlete's parent (an athlete and parent may stay together in a separate room without other athletes or support team members)
- A maximum of one athlete shall be assigned to a single/twin size bed; a maximum of two athletes shall be assigned to a double/queen/king size bed.
- Minors shall not be assigned to a room by themselves, unless single dormitory rooms are the only available option.
- All reasonable efforts shall be made to provide athlete accommodations that have interior access only (i.e., ground floor hotel rooms with direct outdoor access shall be avoided).
- All reasonable efforts shall be made to have the team located together on the same floor of the accommodation facility.
- In dormitory settings with shared bathrooms, all efforts shall be made to designate separate facilities for athletes and for Persons in Authority.
- All adults assigned to a supervisory role (e.g., team manager, coach, chaperone, etc.) are responsible for monitoring the health, wellbeing, and security of athletes during overnight stays, and must fulfill all appropriate risk management requirements.
- Persons in Authority who are traveling with the team but who are not in supervisory roles (e.g., judges) must fulfill appropriate risk management requirements.
- All efforts shall be made to ensure there is an appropriate number of adults of each gender in supervisory roles to adequately monitor and support minor athletes; supervisory ratios must be sufficient to ensure that if an accident, medical, or other emergency occurs, there is a minimum of one screened adult who can manage the unforeseen circumstances and one screened adult who can remain with the team/group.
- Team activities, such as training or competition debriefs, scheduling and preparation meetings, and team bonding activities shall be held in open and observable environments (e.g., hotel lobby, common area, competition venue, etc.).

### **Intimate Relationships**

The age of consent is the age at which a young person can legally consent to sexual activity. The age of consent in Canada is generally 16 years old, but the Criminal Code increases that age to 18 in the context of relationships in which there is a power imbalance. Therefore, a Person in Authority engaging in a sexual or intimate relationship with a minor athlete is not only prohibited under this policy, it is a criminal offence.

In accordance with the UCCMS, the NBGA prohibits sexual relations between an adult athlete and a Person in Authority on the basis that there can be no consent where there is a power imbalance. Furthermore, a power imbalance between an athlete and a coach is presumed to continue after the coach-athlete relationship terminates until the athlete reaches 25 years of age; therefore, an athlete cannot consent to a romantic relationship with a coach, even if they no longer work together, until the athlete has reached the age of 25.

An intimate relationship between consenting adults that was established before the sport relationship commenced will not contravene this policy despite the introduction of a power imbalance to the relationship. However, an individual should disclose to the club and/or the NBGA any sexual or intimate relationship with an athlete prior to taking on a role that would qualify them as a Person in Authority.



## **SCREENING POLICY**

Screening is an ongoing multi-step process to assess the background, qualifications, and fit of candidates who occupy positions of trust or authority within the organization (i.e., positions related to finances, supervision, or contact with athletes), and to ensure the continued suitability of individuals fulfilling those roles. It is a critical component in providing a safe gymnastics environment for all participants, as well as being part of sound financial practices and good human resources management.

It is a violation of the NBGA Safe Sport Policy for any Person in Authority to place an individual in a situation that makes them vulnerable to abuse, maltreatment, or other potential harm – this includes hiring or engaging the services of an individual with a history of athlete maltreatment or other misconduct. It is imperative that the NBGA and member clubs do their due diligence in completing comprehensive background screening of anyone who may interact with athletes and other vulnerable persons, as well as those who may be involved with the finances of the organization. Screening is often the first line of defense in reducing the risk of harm to participants and protecting the organization.

### **Responsibility for Screening**

The responsibility for screening will fall on either the member club or the NBGA, depending on the context of the activity. As the frontline in delivering gymnastics programs and events, member clubs carry the bulk of the responsibility for screening as they hire coaches, procure volunteers, and engage other personnel who support athletes. It is an expectation of membership with the NBGA that clubs implement the minimum screening standards identified in this policy, including the responsibility for maintaining records and the release of information as required. The NBGA may conduct sporadic audits of clubs to ensure records are complete and up-to-date. Member clubs shall be responsible for screening:

- Individuals hired for employment or engaged as consultants or contractors by the club
- Guest coaches, technical experts, and other presenters delivering courses, clinics, camps, or workshops on behalf of the club
- Coaches, support personnel, and other volunteers appointed to accompany club teams to events, camps, competitions, or other activities
- Members of the club Board of Directors and other committees
- Volunteers for events organized by the club
- Other individuals as deemed necessary by the club based on a risk assessment

The NBGA shall be responsible for screening, record-keeping, and release of information as required for:

- Individuals hired for employment or engaged as consultants or contractors by the NBGA
- Coach developers, guest coaches, technical experts, and other presenters delivering courses, clinics, camps, or workshops on behalf of the NBGA
- Coaches, support personnel, and other volunteers appointed to accompany provincial teams to events, camps, competitions, or other activities
- Members of the NBGA Board of Directors and other committees
- Volunteers for events organized by the NBGA
- Owners of private for-profit clubs
- Judges





- Other individuals as deemed necessary by the NBGA based on a risk assessment

### **Screening Process**

There can be many steps in the screening process, depending on the nature of the position, the level of risk, and the timeframe of the activity. Whenever possible, the screening process should be completed in full with a satisfactory assessment prior to engaging the services of any individual, however it may be acceptable for individuals in some low- and medium-risk positions to begin a probationary period while completing the screening process, provided they are closely supervised in any interactions with athletes or other vulnerable persons. For positions where a police record check is required, the individual should not commence their duties until the check has been submitted and reviewed.

In assessing an application, the organization must determine whether there is reason to believe that the individual may pose a risk to participants or the organization itself. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer with or be hired by the organization. Similarly, an individual who refuses to provide additional information or follow-up to queries may also be denied a position. Following the review of the screening documents, the organization will decide:

- The individual has passed screening and may participate in the desired position;
- The individual has passed screening and may participate in the desired position with conditions;
- The individual has not passed screening and may not participate in the desired position; or
- More information is required from the individual.

If it is decided that information revealed in the screening process allows an individual to participate with conditions, the organization has sole discretion to apply and remove conditions, determine the length of time conditions will be imposed, and determine the means by which adherence to the conditions will be monitored. If the organization denies an application, or approves an application with conditions, a copy of the decision must be provided to the applicant as well as other relevant parties, such as the Hiring Committee or the Board of Directors of the member club and/or the NBGA. The organization should establish a waiting period before any individual can re-apply if their application was denied; the NBGA recommends 2 years.

### **1 – Risk Assessment**

It is essential to complete a risk assessment for each position or role within the organization. Positions should be assigned a level of risk considering such things as the activity, the setting, the participants involved, the relationships between participants, the supervision requirements, and the timeframe of the activity. The screening process is progressive and is dictated by the level of risk and the nature of the position itself: the higher the risk, the more stringent the screening requirements. Some positions may be determined to pose no risk of harm to the organization or participants – these are often brief or one-off volunteer assignments (e.g., running an errand, participating in a bottle drive, soliciting donations for an event) and do not generally call for screening measures.

Member clubs are expected to use the examples below as a minimum screening guide, but they may assess an increased level of risk depending on the job description of a particular role. In the event that an individual will occupy more than one role within the organization, they must follow the screening process for the position deemed to have the highest level of risk.





- **Low Risk:** A low-risk position is one that has no supervisory responsibilities, no involvement with the finances of the organization, and little to no contact with athletes or other vulnerable persons. Low-risk positions may include:
  - Custodial or janitorial staff
  - Event volunteers without access to the field of play
  - Coaches-in-training (CITs)
- **Medium Risk:** A medium-risk position is one that has supervisory responsibilities, some involvement with the finances of the organization, and/or limited access to athletes or other vulnerable persons (i.e., indirect contact or in a group setting). Medium-risk positions may include:
  - Administrative staff
  - Event volunteers with access to the field of play
  - Coaches who are typically under the supervision of another coach
  - Support personnel who deliver group services
  - Members of the board of directors and committees
  - Judges
- **High Risk:** A high-risk position is one of power, authority, or trust that has supervisory responsibilities, significant involvement with the finances of the organization, and/or frequent or unsupervised access to athletes or other vulnerable persons. It may also involve an element of control or influence over the general sport experiences of participants. High-risk positions may include:
  - Management staff and anyone with financial decision-making authority (e.g., signing officers)
  - Event volunteers with direct access to athletes
  - Coaches who may work without supervision
  - Support personnel who deliver one-on-one services
  - Coach developers
  - Any individual who travels with athletes or teams
  - Other positions as determined by the member club or the NBGA

## ***2 – Job Description***

Every medium- and high-risk position within the organization, whether paid or volunteer, requires a job description; some low-risk positions may also require a job description, such as regular or recurring volunteer roles and employment positions. The job description will include, at a minimum, the job title, the scope of the activity and responsibilities, the qualifications and experience required, general compensation language (when applicable), the risk assessment level, and the screening requirements.

## ***3 – Application/Screening Disclosure Form***

The organization is responsible for collecting basic personal information from all candidates as well as for gaining consent to conduct background checks and to disclose screening information with relevant parties, which may include a Screening Committee, a Hiring Committee, and the Board of Directors of the member club and/or the NBGA. The application or screening disclosure form must also direct candidates to the organization's policies and procedures, and require an acknowledgement that they will adhere to the policies within the NBGA Safe Sport Framework, including the Code of Ethics and Conduct.



#### **4 – Interview**

Interviews provide an opportunity to gain a deeper understanding of a candidate's background and experience, to assess their fit for the position, and to explore any doubts. It is also an opportunity to convey the organization's expectations, particularly as they relate to child welfare and Safe Sport.

#### **5 – References and Background Checks**

It is incumbent on the organization to conduct reference checks to confirm the background and skills of the candidate and to assess their credibility. In addition to references submitted by the candidate, organizations may seek out additional contacts or follow up on training and certification credentials. This is a particularly important step for individuals applying for high-risk positions and for those where there appear to be gaps in the information provided. A little digging on the part of the organization may reveal past behaviour that is incompatible with the club's values and culture, and with the Safe Sport philosophy, even if the behaviour is not criminal.

#### **6 – Police Record Checks**

Police record checks help determine if an individual has been charged with or convicted of a crime. There are several different types of police record checks – the type and name of the check, the process, the cost, and the format of the information provided varies from one jurisdiction to another. Member clubs should contact their local police service to gain a clear understanding of the process, the terminology used, and the types of checks provided. Police record checks are generally categorized as:

- **Criminal Record Check (CRC):** verifies whether an individual has a criminal conviction through a search of the RCMP National Repository of Criminal Records; these records are generally related only to serious offences (i.e., indictable and hybrid offences).
- **Local Police Information (LPI):** verifies whether an individual has additional conviction and selected non-conviction records through a search of local police databases; these records are generally related to less serious offences (i.e., summary offences) which may be relevant to the position sought.
- **Enhanced Police Information Check (E-PIC):** combines a Criminal Record Check and a search of Local Police Information databases; there are several organizations that offer this service – GymCan relies on Sterling Backcheck.
- **Vulnerable Sector Check (VSC):** the most comprehensive check which verifies whether an individual has a record suspension for sexual offences (formerly known as a pardon); Vulnerable Sector Checks also include a Criminal Record Check and a search of Local Police Information databases and must be completed by the local police service where the applicant lives.

Most police record checks start with a name-based check in which the applicant's name and date of birth are searched within relevant databases. Fingerprinting may be required to ensure the results produced are for the correct person. In accordance with the Criminal Records Act, VSCs can only be obtained for jobs or volunteer roles in which the applicant will be in a position of trust or authority over children or other vulnerable persons. The organization must make the request for a VSC and may be required to provide a form or letter for the applicant which describes the position, provides details regarding the children or vulnerable persons with whom the applicant will be working, and indicates whether they will be compensated for their work.



Police record checks, while important, are not an absolute safeguard as they do not guarantee that an applicant has never committed an offence; the information provided is only as the record exists on the date of the search and may be inaccurate or incomplete within a few months, weeks, or even days of issue. On the other hand, an offence on the record may be unrelated to or have no direct bearing on the position in question. Member clubs must establish clear guidelines for how they will handle records that show a previous conviction, weighing the nature of the conviction against the risks associated with the role or position.

In making its determination as to a candidate's suitability for a position, the organization must consider the type of offence, date of offence, and relevance of the offence to the position sought. It should also consider the number and frequency of offences and whether they indicate a pattern of problematic behaviour or isolated incidents. Where a police record check indicates a criminal conviction or other red flag, the organization has the authority to:

- Request additional information from the candidate about the nature and circumstances of the conviction in order to determine whether it relates to a relevant offence
- Not engage the services of a candidate who is uncooperative in providing additional information
- Request additional character references
- Conduct a risk assessment in consultation with independent experts
- Engage the candidate's services with conditions
- Not engage the services of a candidate as a result of a charge of, or conviction for, a relevant offence

Below are examples of "relevant offences" that relate to the gymnastics environment; these minimum standards may be increased dependent on the position within the organization. Offences other than those listed below may be deemed relevant for a particular role; in reviewing a police record that indicates a criminal conviction or other red flag, the organization may consult with independent experts (e.g., lawyers, police, risk management consultants, etc.) to determine the relevance of the offence, with all due regard for confidentiality.

- If imposed within the last five years:
  - Any offence involving the use of a motor vehicle, including impaired driving
  - Any offence involving conduct against public morals
- If imposed in the last ten years:
  - Any offence involving possession under the Controlled Drugs and Substances Act
  - Any offence involving theft
- If imposed at any time:
  - Any offence involving trafficking under the Controlled Drugs and Substances Act
  - Any sexual offence
  - Any offence involving violence, including assault
  - Any offence involving a minor or vulnerable person
  - Any offence related to child pornography
  - Any offence involving fraud

Individuals who are new to Canada within the last 5 years or who are on a temporary visa should provide an equivalent police record check (translated, if necessary) from any country where they resided within the previous 5 years.



## **7 – Orientation and Training**

Once the organization has selected an individual for a position, they must provide appropriate orientation and training. The orientation and training period is generally considered to be a probationary period as it gives additional opportunity to assess the individual's suitability for the role, including their work style, interpersonal skills, and acceptance of the organization's values and culture. Orientation should involve a review of the organization's key programs and services, mission, vision and values, governance structure and authority, and the policies and practices in place that uphold a Safe Sport environment. This may involve an orientation manual, facility tours, equipment demonstrations, meetings with colleagues and supervisors and/or athletes and parents, and supervision during the initial period.

While individuals must receive training related to their specific tasks and responsibilities, training should be considered an ongoing process as positions and roles often evolve over time and new training needs arise. Training and re-training may include certification courses, online learning, workshops, and webinars which can involve refreshers, updates, or new content. A formal evaluation session prior to the end of probation should take place to verify that all training requirements have been completed, to provide and receive feedback on the training, and to determine whether the individual should continue in their position. If the decision is to retain the individual, they must acknowledge, in writing, that they have received and completed the orientation and training and that they feel adequately prepared for their role.

## **8 – Supervision and Monitoring**

Ongoing supervision and monitoring are essential for ensuring that the match between an individual and their role continues to be mutually beneficial, for maintaining and improving quality and safe programs, and for reducing risks and liabilities. The level of supervision and monitoring should be based on the level of risk for the position. Organizations should institute a formal process to observe individuals in their role, provide feedback, and monitor progress, in addition to informal observation methods such as unscheduled spot-checks and the use of security cameras in the facility. Supervision and monitoring should follow sound procedures for reporting, documentation, and communication with due regard for privacy and confidentiality. The organization must be prepared, at any time, to adapt, change, or terminate an individual's position (following organizational policies and legal advice, as necessary) if any concerns arise about the safety and welfare of participants or other misconduct that may put the organization at risk.

- Providing false, inaccurate, or misleading information:
  - At any time, the organization may reopen an individual's file for additional screening if it is advised of new information that could affect their suitability for involvement in the organization.
  - If an organization learns that an individual provided false, inaccurate, or misleading information within their screening documents, they will immediately be removed from their position and may be subject to further discipline in accordance with the Complaints and Discipline Policy.
- Reporting a new relevant offence:
  - Any individual who is charged with and/or subsequently convicted of a relevant offence must immediately report the circumstance to the organization, who will take such steps



as are appropriate on a provisional basis pending the conclusion of the investigation or criminal process.

The organization, at its sole discretion, has the authority to:

- Dismiss or reassign the duties and responsibilities of an individual as a result of a negative performance review
- Dismiss, suspend with or without compensation, or reassign an individual as a result of a formal complaint, pending investigation, charge laid, or conviction for a relevant offence
- Dismiss, or suspend with or without compensation, an individual who does not cooperate in providing additional information about the nature and circumstances of a formal complaint, pending investigation, charge laid, or conviction for a relevant offence
- Dismiss or expel an individual for any gross misconduct as per the Complaints and Discipline Policy or for a serious criminal conviction, including:
  - Any offence involving trafficking under the Controlled Drugs and Substances Act
  - Any sexual offence
  - Any offence involving violence, including assault
  - Any offence involving a minor or vulnerable person
  - Any offence related to child pornography
  - Any offence involving theft or fraud

### **Screening Renewal**

Organizations have the responsibility for re-screening individuals as part of an ongoing risk management process. The NBGA considers police record checks to be valid for a period of 3 years from the date of issue, unless there are reasonable grounds to request a new check within that timeframe. As a general rule, VSCs need only be submitted one time, after which an E-PIC will be sufficient. This is because the timeline for sexual offences to be granted a record suspension is such that any such offence would have been revealed on a candidate's initial police record check. A subsequent verification of record suspensions would not reveal any new information with regard to a relevant offence. That said, some jurisdictions offer only CRCs and VSCs, in which case the VSC is the only route to obtain the information required from an E-PIC.

Other screening renewal steps that organizations may take include a Screening Renewal Form in which the individual certifies that there have been no changes to their record since they last submitted a police check, and an annual review and signing of the Code of Ethics and Conduct and any other policy or agreement deemed necessary by the organization. As always, the screening renewal requirements should align with the level of risk of the position.

Upon completion of the screening renewal, the organization has the authority to reassign, suspend with or without compensation, dismiss, or expel an individual if the information provided reveals any charge or conviction for a relevant offence or any other red flag that may put the organization at risk. The organization should establish a waiting period before an individual can re-apply if their position was revoked; the NBGA recommends 2 years.



## **Maintenance and Disclosure of Records**

In addition to gaining consent to collect, use, and disclose personal information, organizations must properly manage the information they collect; this includes: not collecting more information than is needed; using the information for the purposes for which it was collected; ensuring the information is accurate; keeping the information secure from inappropriate access, use, and disclosure; and retaining/disposing of information as required. At all times, individuals should be able to request access to their personal information, and should be able to challenge its accuracy and completeness.

All records from the screening process shall be securely and confidentially maintained on file with the applicable organization. Results of police record checks shall be kept confidential unless disclosure of the results is required by law, necessary for membership eligibility or for use in legal, quasi-legal, or disciplinary proceedings, or in the best interest of the public. Screening documents that shall be maintained include, but are not limited to:

- Police record checks
- Screening disclosure/renewal forms
- Record of any conditions attached to an individual's position
- Record of any disciplinary or remedial action taken by the club, the NBGA, or other organization

The NBGA may, from time to time, request access to club records to ensure compliance with screening measures, in accordance with membership requirements. A club's failure to provide screening records on request, or to provide complete records, is a violation of this policy and may be subject to the proceedings of the Complaints and Discipline Policy.

An adverse police record check, concerns arising from the screening process, or any other red flags discovered by a club must be shared with the NBGA; this includes previous convictions and pending charges related to a relevant offence, behavioural concerns, and organizational policy violations. Any such screening of a club member conducted by the NBGA will be reported to the individual's club; the NBGA may also be required to inform GymCan.

## **Screening Young People**

A "young person" is defined as any individual who is 12 years or older but less than 18. In accordance with the Youth Criminal Justice Act, police record checks for young people can only be conducted for the purposes of employment or volunteering with federal, provincial, or municipal governments. When screening young people, the NBGA recommends that member clubs request additional references and that they not engage a young person for any high-risk position. A police record check should be requested once the individual has turned 18.

## **Screening Current Members**

In many clubs, a large portion of the coaching staff comes from within the program itself, as gymnasts begin volunteering as CITs and eventually move into coach positions. In these cases, the screening process may be less vigorous, especially for low- to medium-risk positions – interviews and references may not be necessary for current participants who have been involved with the club for a number of years. More robust screening should be conducted for anyone who is not a current member of the club, even if they were previously involved, and for any current member who has been with the club for less



than 3 years. For any position where a police record check is required, this step must be conducted if the individual is 18 or older regardless of whether they are a current member or otherwise known to the club (e.g., parent volunteer).

**Screening Matrix**

With the exception of the mandatory measures listed below, the exact screening, training, and renewal requirements may differ depending on the individual’s age and membership status, the job description, the nature of the position (volunteer versus employment), and the organization’s assessment of risk. The following screening matrix is provided as a guide for member clubs:

<b>RISK ASSESSMENT</b>	<b>SCREENING REQUIREMENTS</b>	<b>TRAINING REQUIREMENTS</b>	<b>RENEWAL REQUIREMENTS</b>
<b>Low Risk</b>	- Application/Screening Disclosure Form - Sign Code of Ethics and Conduct - Criminal Record Check	<b>CITs</b> - Respect in Sport - Safe Sport Training	<b>Every Year</b> - Screening Renewal Form - Sign Code of Ethics <b>Every Three Years</b> - CRC
<b>Medium Risk</b>	- Application/Screening Disclosure Form - Sign Code of Ethics and Conduct - Minimum of one reference - Criminal Record Check or Enhanced Police Information Check - Driver’s abstract (if applicable)	<b>All</b> - Respect in Sport - Safe Sport Training <b>Coaches</b> - NCCP Foundations courses	<b>Every Year</b> - Screening Renewal Form - Sign Code of Ethics <b>Every Three Years</b> - CRC or E-PIC
<b>High Risk</b>	- Application/Screening Disclosure Form - Sign Code of Ethics and Conduct & Safe Sport Policy - Minimum of two references - Vulnerable Sector Check - Driver’s abstract (if applicable)	<b>All</b> - Respect in Sport - Safe Sport Training <b>Coaches</b> - Make Ethical Decisions Online Evaluation - Making Head Way - NCCP Foundations and Competition Stream courses	<b>Every Year</b> - Screening Renewal Form - Sign Code of Ethics & Safe Sport Policy <b>Every Three Years</b> - E-PIC or equivalent

**Mandatory as per NBGA club membership policies:**

- VSC for all coaches and others in high-risk positions with direct unsupervised access to athletes; at least two references and background checks must also be conducted for anyone new to the club in a high-risk position
- E-PIC for all other coaches (18 and older)
- Respect in Sport and Safe Sport Training for all coaches
- Make Ethical Decisions online evaluation and Making Head Way for all competitive coaches
- Discipline-specific NCCP training for coaches which matches the skill level of the participants

**Resources**

- The Screening Handbook: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrng-hndbk/index-en.aspx>
- Criminal Record Checks: <https://www.rcmp-grc.gc.ca/en/criminal-record-checks>
- Dissemination of Criminal Record Information policy: <https://www.rcmp-grc.gc.ca/en/dissemination-criminal-record-information-policy>





## COMPLAINTS AND DISCIPLINE POLICY

The purpose of this policy is to outline the mechanisms by which inappropriate behaviour in the gymnastics environment will be addressed and remedied. This includes any breaches of the Code of Ethics, other behaviour that violates the policies and practices encompassed within the Safe Sport Framework, as well as any conduct that does not comply with the by-laws or other policies, rules, and regulations of the NBGA.

This policy applies to all individuals and to all matters that arise during the programs, events, and activities of the NBGA as defined in the Safe Sport Framework; it may also apply to outside incidents that adversely affect relationships within the organization or when such matters are detrimental to the image and reputation of the NBGA and the sport of gymnastics. Applicability of this policy will be determined by the NBGA at its sole discretion and is not subject to appeal.

When circumstances warrant an immediate response to misconduct, disciplinary sanctions may be imposed to quickly address or remedy a situation, pursuant to this policy, the Event Discipline Policy, or other procedures related to a specific event, after which the formal complaint process may be initiated and further discipline or sanctions may be applied. In addition to being subject to disciplinary action pursuant to this policy, an employee of the NBGA who is a Respondent to a complaint may also be subject to consequences in accordance with their employment agreement up to and including termination of employment.

Member clubs must have measures in place to address inappropriate behaviour and handle complaints, and are encouraged to adopt the procedures outlined below. Regardless of the club's mechanisms for dealing with misconduct, any club incident or complaint that constitutes abuse or maltreatment must be immediately reported to the NBGA and referred to the New Brunswick Safe Sport Dispute Resolution Program ([NBSSDRP](#)). The club must also notify the NBGA if a complaint against one of their members is related to a major infraction as defined within this policy, and must disclose all records upon completion of the club's internal complaints process. Upon review, the NBGA may take further action by initiating a formal complaint under the terms of this policy. The NBGA may act as the Complainant if the original Complainant is unwilling or unable to participate in the process.

### Definitions

The terms defined below shall apply throughout this policy:

- *"Case Manager"* – an independent individual appointed by the NBGA to receive, administer, and direct complaints.
- *"Complainant"* – the individual(s) making a complaint, alleging an infraction of any applicable policy or standard of conduct; this includes any adult acting on behalf of a minor.
- *"Days"* – days including weekends and holidays.
- *"Discipline Chair"* – an individual appointed by the Case Manager to handle minor complaints or infractions.
- *"Discipline Panel"* – an individual or a group of 3 individuals appointed by the Case Manager to handle major complaints or infractions.
- *"Party"* or *"Parties"* – the group or groups involved with a particular complaint, i.e., the Complainant and/or the Respondent.





- *“Respondent”* – the individual(s) responding to a complaint, alleged to have committed an infraction of any applicable policy or standard of conduct; this includes any adult acting on behalf of a minor.

### **Reporting Misconduct**

1. Any individual may report an infraction of any applicable policy or standard of conduct by filing a complaint; while complaints within club jurisdiction should be directed through the club’s complaint process, the NBGA will accept and redirect club complaints according to this policy.
2. A complaint must be submitted to the Executive Director using the Complaint Submission Form within 30 days of the alleged incident; any complaint filed outside this 30-day window must include a written request for a reporting extension, which will be reviewed by the Executive Director and approved at their discretion.
3. If the complaint is against the Executive Director, it should be submitted to the President; in such a case, the President will fulfill the responsibilities of the Executive Director outlined herein.
4. The NBGA or a member club may act as the Complainant and initiate the complaint process under the terms of this policy; in such cases, the organization filing the complaint will identify an individual to act as its representative.

### **Minors**

5. Complaints may be filed on behalf of, or brought against, a minor; in either case, the minor must have a parent or other adult act on their behalf during the process outlined below and all communication must be directed to that adult representative.
6. If an oral hearing is held, only the minor’s representative is required to attend; the minor’s attendance shall be at their representative’s discretion.

### **Executive Director Responsibilities**

7. Upon receipt of a complaint, the Executive Director shall determine whether the complaint should be handled by the NBGA or by the relevant club; this determination shall be made by considering the parties involved and whether the incident took place during a club-based activity (e.g., training, club travel, fundraising, etc.) or during an NBGA event (e.g., sanctioned competition, provincial team activity, NCCP course, etc.).
8. If the incident occurred outside of the business of both the NBGA and its member clubs, the Executive Director shall determine which organization’s relationships, image, and/or reputation have been affected and shall direct the complaint accordingly.
9. If it is determined that the complaint should be handled by the NBGA, the Executive Director shall provide a copy of the complaint to the President who shall appoint a Case Manager to fulfill the responsibilities outlined below; if it is determined that the complaint should be handled by the club, the Executive Director shall provide a copy of the complaint to the club who shall respond according to its own complaints or dispute resolution mechanism.



10. The Executive Director may direct a complaint to be managed by the NBGA if the club is otherwise unable to manage the complaint for a valid and justifiable reason, such as a conflict-of-interest or a lack of capacity.
11. If the complaint involves conduct that may be of an illegal nature, the NBGA shall immediately report the allegation to the appropriate law enforcement and/or child welfare authorities; the NBGA and the member club (where applicable) will cooperate fully with, and take direction from, the relevant authority.
12. If the NBGA is handling a complaint against an individual who is involved with a member club, the club will be informed that the individual is a Respondent to a complaint, but in respect to confidentiality, no additional information will be shared until the completion of the discipline process except as required for the purposes of investigation, taking corrective action, or as otherwise required by law.
13. Nothing in this policy precludes a member club from pursuing disciplinary action against one of their own members in accordance with club policies for an incident that occurred at an NBGA event.

#### **Case Manager Responsibilities**

14. The Case Manager has the responsibility to:
  - a) Determine whether the complaint falls within the jurisdiction of this policy;
  - b) Determine whether the complaint is legitimate or frivolous;
  - c) Determine whether an investigation is necessary or desirable and appoint an investigator in accordance with the Investigations Policy;
  - d) Set and adhere to timelines to ensure a timely proceeding and resolution of the complaint;
  - e) Keep the organization informed of the progress of the proceedings with all due regard to confidentiality;
  - f) Relay any decisions to the organization upon completion of the process.
15. If the Case Manager determines that the complaint is frivolous or outside the jurisdiction of this policy, it will be dismissed immediately; this decision may not be appealed.
16. If the Case Manager determines that the complaint is valid and within the jurisdiction of this policy, they shall propose the use of alternative dispute resolution techniques such as mediation or a negotiated settlement; if the dispute is not resolved, or if the parties refuse to attempt ADR, the Case Manager shall determine the process by which the complaint will be handled and notify the Parties of next steps.

#### **Process #1 – Minor Infraction**

17. A minor infraction is a single instance of behaviour resulting in a breach of a policy or standard of conduct that generally does not have the potential to result in significant harm to others; the following examples can be used as a general guideline:
  - a) Disrespectful comment or conduct directed toward others
  - b) Unsportsmanlike conduct
  - c) A minor incident of violence (e.g., tripping, pushing, elbowing)
  - d) A minor breach of team rules
  - e) A minor violation of the Code of Ethics and Conduct



- f) Non-compliance with the organization's by-laws, policies, rules, or regulations
  - g) Other conduct that is contrary to the values of the organization
18. The definition of a minor infraction excludes any instance of abuse or maltreatment as outlined in the Abuse, Maltreatment, and Discrimination Policy.
19. Upon determining that the complaint should be handled under Process #1, the Case Manager shall appoint a Discipline Chair; the Discipline Chair shall either ask the Parties for written or oral submissions regarding the complaint or convene the Parties to a meeting, either in person or by way of video or teleconference, to ask questions about the complaint.
20. Upon reviewing the matter, the Discipline Chair shall determine if an infraction occurred, and if so, if one or more of the following disciplinary sanctions should be imposed on the Respondent:
- a) Formal warning
  - b) Verbal or written reprimand
  - c) Verbal or written apology to the affected parties
  - d) Service or other contribution to the organization
  - e) Removal of certain privileges of membership
  - f) Suspension from certain teams, events, and/or activities for a designated period
  - g) Withholding of funding for a designated period
  - h) Any other sanction considered appropriate for the offence
21. The Discipline Chair may also impose corrective action through educational training for the Respondent, either in addition to or in lieu of any disciplinary sanction.
22. The Discipline Chair shall jointly inform the Case Manager and the Parties of the decision in writing, upon which any sanction shall take immediate effect; failure to comply with a sanction will result in an automatic suspension of membership until such time as compliance occurs.
23. The Respondent may contest a sanction by submitting a Request for Reconsideration to the Discipline Chair within 5 days of receiving the decision, in which they must indicate why the sanction is inappropriate, provide all evidence to support their position, and suggest a sanction that would be appropriate.
24. Should the Discipline Chair accept the Respondent's suggestion, that new sanction will take effect immediately upon notifying the Case Manager and the Parties of their decision; should the Discipline Chair reject the Respondent's suggestion, they shall inform the Case Manager and the Parties and the initial complaint will proceed to Process #2.
25. While the Complainant may not contest or appeal an imposed sanction, they may contest a non-sanction by informing the Discipline Chair within 5 days of receiving the decision that they are not satisfied; the Discipline Chair shall inform the Case Manager and the Respondent and the initial complaint will proceed to Process #2.

### **Process #2 – Major Infraction**

26. A major infraction is misconduct that results in, or has the potential to result in, harm to another individual, to the organization and its character, and/or to the reputation of the sport itself; it may be a single incident or a pattern of behaviour such as:



- a) A prank or practical joke that endangers the safety or wellbeing of others
  - b) Conduct that intentionally interferes with a competition or with an athlete's preparation for competition
  - c) A major incident of violence (e.g., fighting, attacking, sucker punching)
  - d) A major breach of team rules
  - e) A major violation of the Code of Ethics and Conduct, including with regard to the use or possession of alcohol, cannabis, and prohibited or illegal substances
  - f) Consistent disregard for the organization's by-laws, policies, rules, or regulations
  - g) Conduct that intentionally damages the organization's image, credibility, or reputation
  - h) Vandalism of the organization's property or intentional mishandling of its finances
  - i) Any instance of discrimination
  - j) Repeated minor incidents
  - k) A criminal charge or conviction
  - l) Any other serious conduct that does not constitute abuse or maltreatment
27. The definition of a major infraction excludes any instance of abuse or maltreatment as outlined in the Abuse, Maltreatment, and Discrimination Policy.
28. Upon determining that the complaint should be handled under Process #2, the Case Manager shall:
- a) Appoint a Discipline Panel to hear the complaint which shall, at their discretion, consist of either a single arbitrator or a panel of three persons;
  - b) Appoint one of the Discipline Panel members to serve as Chair, as necessary;
  - c) Decide, in cooperation with the Discipline Panel, the format by which the complaint will be heard such as an oral hearing in person or by video or teleconference, a hearing based on a review of submitted documentary evidence, or some combination of these methods;
  - d) Coordinate all administrative aspects and provide assistance and logistical support to the Discipline Panel;
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
29. The hearing will be governed by the procedures that the Case Manager and Discipline Panel deem appropriate in the circumstances, provided that the Parties are given sufficient notice of the day, time, and place/medium of the hearing, and that copies of any written documents the Parties wish to have considered are provided to both Parties and the Discipline Panel in advance of the hearing.
30. The Parties may engage a representative, advisor, or legal counsel at their own expense.
31. The Discipline Panel may request that any other individual participate and give evidence at the hearing; the Discipline Panel may allow any oral evidence, document, or thing relevant to the complaint, may exclude such evidence that is unduly repetitious, and may place such weight on the evidence as it deems appropriate.
32. The Respondent may waive a hearing if they acknowledge the facts of the incident, in which case the Discipline Panel will determine the appropriate sanction; the Discipline Panel may still hold a hearing for the purpose of determining the sanction.
33. The hearing will proceed in any event, even if a Party chooses not to participate.



34. If a decision may affect a third party to the extent that the third party would have recourse to a complaint or an appeal in their own right, the third party will become a Party to the current complaint and will be bound by the decision.
35. In fulfilling its duties, the Discipline Panel may obtain independent advice or legal counsel.
36. Upon hearing and/or reviewing the matter, the Discipline Panel shall determine, by a majority vote, whether an infraction occurred, and if so, the sanctions to be imposed; the Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
  - a) Verbal or written reprimand
  - b) Verbal or written apology to the affected parties
  - c) Service or other contribution to the organization, including reimbursement of the cost of repairs for property damage
  - d) Removal of certain privileges of membership
  - e) Suspension from certain teams, events, and/or activities for a designated period
  - f) Withholding of funding for a designated period
  - g) Suspension of membership or expulsion from the organization
  - h) Any other sanction considered appropriate for the offence
37. The Discipline Chair may also impose corrective action through educational training for the Respondent, either in addition to or in lieu of any disciplinary sanction.
38. The Discipline Panel's decision and reasoning will be distributed in writing to all Parties, the Case Manager, and the NBGA within 14 days of the hearing's conclusion; in extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the 14-day period.
39. Unless the Discipline Panel decides otherwise, any sanction shall take immediate effect notwithstanding an appeal; failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.
40. The decision of the Discipline Panel may be appealed in accordance with the Appeal Policy.

### **Process #3 – Incidents Involving Abuse or Maltreatment**

41. If the Case Manager determines that the complaint involves abuse or maltreatment of any kind, it shall be directed to the [NBSSDRP](#); the Case Manager shall use the examples as described in the Abuse, Maltreatment, and Discrimination Policy and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport to determine if the alleged behaviour constitutes abuse or maltreatment.
42. If there is any doubt as to whether abuse or maltreatment has occurred, the Case Manager shall nonetheless refer the complaint to the NBSSDRP; if the NBSSDRP determines that the complaint does not amount to abuse or maltreatment, the Case Manager shall then determine if the complaint should be handled under Process #1 or #2.
43. The NBGA shall review any decision from the NBSSDRP to ensure it aligns with this policy.

**Suspension Pending a Hearing**

44. The NBGA may determine that an alleged incident is of such seriousness as to warrant an immediate suspension of an individual's membership privileges pending completion of an investigation and/or the complaint process and until a decision is rendered by the Discipline Chair, Discipline Panel, or the NBSSDRP; this decision may not be appealed.
45. Any member club who suspends an individual during their own complaints process must immediately notify the NBGA.

**Criminal Charges and Convictions**

46. If an individual has been charged with a criminal offence, they may be immediately suspended by the NBGA pending the resolution of the criminal charges; this decision may not be appealed.
47. Regardless of the outcome of the criminal process, the NBGA may subsequently pursue disciplinary action in accordance with this policy.
48. The NBGA may determine that a criminal conviction will result in immediate expulsion from the organization without the need for a disciplinary hearing; criminal convictions that may result in expulsion include, but are not necessarily limited to:
- a) Any offence involving trafficking under the Controlled Drugs and Substances Act
  - b) Any sexual offence
  - c) Any offence involving violence, including assault
  - d) Any offence involving a minor or vulnerable person
  - e) Any offence related to child pornography
  - f) Any offence involving fraud
  - g) Any offence that involves a loss of life, injury to third parties, or any significant breach of trust

**Refusal to Participate in the Process**

49. If a Respondent refuses to participate in the complaints and discipline process, or attempts to circumvent the process by failing to respond to a complaint in a thorough or timely fashion (or at all), the process shall proceed nonetheless based on the information made available by the Complainant and any witnesses; similarly, resignation or lapsing of membership after a complaint has been filed does not necessarily preclude disciplinary proceedings being pursued under this policy.

**Confidentiality**

50. The complaints process and discipline proceedings are confidential and involve only the necessary parties, which may include:
- a) The member club
  - b) The NBGA, including the Executive Director, President, and Board of Directors
  - c) The Complainant and the Respondent, including any designated advisor or legal counsel and any minor's adult representative
  - d) The Case Manager, Discipline Chair, and Discipline Panel
  - e) The NBSSDRP
  - f) GymCan
  - g) Any independent advisors to the Case Manager, Discipline Chair, or Discipline Panel



51. Once a complaint is initiated and until a decision is released, none of the involved parties will disclose information related to the complaint or discipline process to any person outside of the proceedings; despite any duty of confidentiality, the NBGA may be legally obligated to contact a minor's parent, relevant law enforcement officials, and/or child welfare authorities in certain situations.
52. Any breach of this confidentiality requirement could result in further sanctions by the Discipline Chair or Discipline Panel, and may initiate a formal complaint subject to the proceedings of this policy.

#### **Disclosure and Enforcement of Sanctions**

53. The NBGA shall maintain all records from the complaint process and disciplinary proceedings; decisions rendered and sanctions imposed may be disclosed as necessary to member clubs, as well as to GymCan and other provincial/territorial gymnastics organizations in accordance with the national reciprocity agreement.
54. When a membership suspension or expulsion is imposed, that person is ineligible to serve any function within the NBGA or attend or participate in any events or activities of the NBGA, including within member clubs; any club that fails to respect a membership suspension or expulsion is in violation of the Safe Sport Policy and shall itself be subject to an immediate suspension as per the by-laws.
55. Member clubs shall disclose all disciplinary decisions from their own complaints management process to the NBGA, which may further disclose such records at its discretion or as required to ensure consistent enforcement across jurisdictions; the NBGA will recognize, respect, and enforce disciplinary sanctions imposed by member clubs, GymCan, or any other provincial/territorial gymnastics organization.

#### **Costs**

56. The Parties shall be responsible for all costs associated with filing or responding to a complaint, including any travel and accommodations necessary to attend a hearing and any costs associated with legal or other type of representation.
57. The NBGA shall be responsible for the costs associated with the administration of the complaints process, including any investigation, disciplinary hearing, and its own legal representation.

#### **Alternative Dispute Resolution**

58. At any point in this process, the dispute may move to ADR if all parties agree that such a course of action would be mutually beneficial.



## INVESTIGATIONS POLICY

The NBGA Complaints and Discipline Policy is intended to facilitate the resolution of complaints in a manner that does not require engaging additional resources to uncover relevant facts and bring the issue to a close. It relies on the Complainant and Respondent to provide factual information, including witness statements and other relevant documentation, to substantiate or defend against a complaint, and permits the Discipline Chair or Discipline Panel to make a decision based on the information provided. However, the NBGA recognizes that there may be circumstances under which an investigation is necessary or desirable, such as when a Party to the complaint is unable to provide adequate or necessary information or when the situation leading to a complaint is complex.

1. In accordance with the Complaints and Discipline Policy, the Case Manager has the responsibility and discretion to determine whether an investigation into a complaint is necessary; the NBGA may also initiate an investigation when made aware of concerns but when no formal complaint has been filed.
2. Upon determining that an investigation is necessary or desirable, the Case Manager or the NBGA shall appoint an Investigator to review the complaint or as otherwise directed.
3. The Investigator may be a representative of the NBGA or an independent third-party skilled in investigating; the Investigator should not have a conflict-of-interest and should have no connection to either Party involved in the complaint.
4. The Case Manager and the NBGA will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.
5. If the complaint is related to workplace harassment, federal and/or provincial legislation may apply; the Investigator should review workplace safety legislation and/or consult independent experts to determine if this is the case.
6. The investigation may take any form as decided by the Investigator, guided by any applicable legislation and in consultation with the Case Manager and the NBGA, where applicable; it may include:
  - a) Interview of the Complainant;
  - b) Interview of witnesses;
  - c) Developing a statement of facts (Complainant's perspective), prepared by the Investigator, acknowledged by the Complainant, and provided to the Respondent;
  - d) Interview of the Respondent;
  - e) Interview of additional witnesses; and
  - f) Developing a statement of facts (Respondent's perspective), prepared by the Investigator, acknowledged by the Respondent, and provided to the Complainant.
7. Should the Investigator find that there are possible instances of offences under the Criminal Code, particularly related to criminal harassment (stalking), uttering threats, assault, sexual interference, or sexual exploitation, they shall advise the Complainant and the NBGA to refer the matter to police.
8. Upon completion of their investigation, the Investigator shall prepare a report that will include a summary of evidence provided by the Parties and any witnesses (including both statements of





facts), and a recommendation of whether, on a balance of probabilities, an incident occurred that could be considered misconduct or a breach of a governing document; the report shall be provided to the Case Manager and the NBGA, as applicable.

9. The Case Manager shall determine next steps, according to the Complaints and Discipline Policy, and shall provide the report to the Discipline Chair or Discipline Panel as required; the Discipline Chair or Discipline Panel shall consider the report, in addition to submissions from the Parties, before rendering a decision.
10. The Investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party, however maintaining anonymity may be difficult and disclosure of information may be necessary for the purpose of investigation, taking corrective action, or as otherwise required by NBGA policy.



## APPEAL POLICY

The purpose of this policy is to outline a fair and expedient process by which individuals may appeal a decision related to membership, eligibility, team selection, conflict-of-interest, or discipline matters. It is open to any individual directly affected by a decision made by the NBGA, provided there are sufficient grounds for the appeal as outlined herein.

A decision cannot be appealed simply because an individual disagrees or is unhappy with the outcome – there must be legitimate cause or basis for a decision to be reviewed. An appeal may only be heard if there are sufficient grounds for appeal, namely, the organization made a decision that it did not have the authority or jurisdiction to make, failed to follow the procedures set out in its own governing documents, made a decision that was patently unreasonable, or made a decision that was influenced by bias. Bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views.

Importantly, this policy does not apply to decisions relating to: the NBGA's operational structure and committee appointments; budget development or implementation; employment matters; the development and content of policies and regulations, including team selection and funding criteria; policies, procedures, or criteria established by entities other than the NBGA; decisions or discipline arising within the business of entities other than the NBGA; the rules of the sport; or doping infractions. Furthermore, decisions made under the terms of this policy are final and binding and may not be appealed.

### Definitions

The terms defined below shall apply throughout this policy:

- *"Affected Party"* – any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under this policy and who may have recourse to an appeal in their own right.
- *"Appellant"* – the Party appealing a decision; this includes any adult acting on behalf of a minor.
- *"Appeal Manager"* – an independent individual appointed by the NBGA to receive, administer, and direct appeals.
- *"Days"* – days including weekends and holidays.
- *"Appeal Panel"* – an individual or a group of three individuals appointed by the Appeal Manager to hear an appeal.
- *"Party" or "Parties"* – the group or groups involved with a particular appeal, i.e., the Appellant, the Respondent, and/or any Affected Party.
- *"Respondent"* – the body whose decision is being appealed.

### Filing an Appeal

1. Individuals who wish to appeal a decision have seven days from the date on which they received the decision to notify the NBGA of their intent to file an appeal; their notice of intent must be submitted, in writing, to the Executive Director of the NBGA and must include:
  - a) The date they were advised of the decision they wish to appeal;
  - b) A copy of the decision they wish to appeal, or a description of the decision if a written document is not available;
  - c) The name and contact information of the Respondent and any Affected Parties, if known;



- d) Grounds for the appeal, including detailed reasoning and all evidence that supports those grounds;
  - e) The requested remedy or remedies; and
  - f) A \$250 administrative fee, which will be refunded if the appeal is upheld.
2. Any appeal filed outside of the seven-day window must include a written request for a filing extension, which will be reviewed by the Executive Director and approved at their discretion.
  3. A parent or other adult representative may file an appeal on behalf of a minor; all communication must be directed to the adult representative and if an oral hearing is held, only the minor's representative is required to attend.
  4. Upon receipt of a notice of intent to appeal, the Executive Director shall provide a copy to the President who shall appoint an Appeal Manager to fulfill the responsibilities outlined below.

#### **Appeal Manager Responsibilities**

5. The Appeal Manager has the responsibility to determine whether the appeal falls under the scope of this policy and whether there are sufficient grounds for the appeal; if the Appeal Manager determines that there is no basis for an appeal under the terms of this policy, they shall notify the Appellant, in writing, of their decision and reasoning.
6. If the Appeal Manager determines that there are grounds for appeal under the terms of this policy, they shall propose the use of alternative dispute resolution techniques; if the appeal is resolved through the ADR process, the administrative fee shall be refunded to the Appellant.
7. If the Parties refuse to attempt ADR or if the appeal is not resolved through this process, the Appeal Manager shall:
  - a) Appoint an Appeal Panel to hear the appeal which shall, at their discretion, consist of either a single arbitrator or a panel of three persons;
  - b) Appoint one of the Appeal Panel members to serve as Chair, as necessary;
  - c) Identify any Affected Parties and notify them that the appeal will be heard;
  - d) Decide, in cooperation with the Appeal Panel, the format by which the appeal will be heard such as an oral hearing in person or by video or teleconference, a hearing based on a review of submitted documentary evidence, or some combination of these methods;
  - e) Set and adhere to timelines to ensure a timely proceeding and resolution; and
  - f) Coordinate all administrative aspects and provide assistance and logistical support to the Appeal Panel.

#### **Appeal Hearing Procedures**

8. The hearing will be governed by the procedures that the Appeal Manager and Appeal Panel deem appropriate in the circumstances, provided that the Parties are given sufficient notice of the day, time, and place/medium of the hearing, and that copies of any written documents the Parties wish to have considered are provided to all Parties and the Appeal Panel in advance of the hearing.
9. The Parties may engage a representative, advisor, or legal counsel at their own expense.



10. The Appeal Panel may request that any other individual participate and give evidence at the hearing; the Appeal Panel may allow any oral evidence, document, or thing relevant to the appeal, may exclude such evidence that is unduly repetitious, and may place such weight on the evidence as it deems appropriate.
11. The hearing will proceed in any event, even if a Party chooses not to participate.
12. If a decision may affect a third party to the extent that the third party would have recourse to an appeal in their own right, the third party will become an Affected Party to the appeal in question and will be bound by its outcome.
13. In fulfilling its duties, the Appeal Panel may obtain independent advice or legal counsel.

#### **Appeal Decision**

14. The Appellant must demonstrate, on a balance of probabilities, that the Respondent made a procedural error and that this error had, or may reasonably have had, a material effect on the decision or the decision-maker.
15. Upon hearing the appeal, the Appeal Panel shall determine, by a majority vote, whether to:
  - a) Reject the appeal and confirm the initial decision;
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
  - c) Uphold the appeal and vary the decision.
16. The Appeal Panel will have no greater authority than that of the original decision-maker.
17. The Appeal Panel will also determine whether the costs of the appeal, excluding legal fees and disbursements, will be assessed against any Party; in assessing costs, the Appeal Panel will take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.
18. The Appeal Panel's decision and reasoning will be distributed in writing to all Parties, the Appeal Manager, and the NBGA within seven days of the hearing's conclusion; 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 before the end of the seven-day period.
19. Unless the Appeal Panel decides otherwise, any decision shall take immediate effect.

#### **Timelines**

20. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution, the Appeal Manager may direct that these timelines be revised.

#### **Confidentiality**

21. The appeal process is confidential and involves only the Parties, the Appeal Manager, the Appeal Panel, and any independent advisors to these Parties; once initiated and until a decision is released, none of the Parties will disclose confidential information related to the appeal process to any person outside of the proceedings.



22. Any breach of this confidentiality requirement could result in sanctions pursuant to the Complaints and Discipline Policy.
23. The NBGA shall maintain all records from the appeal process; decisions rendered may be disclosed as necessary to member clubs, as well as to GymCan and other provincial/territorial gymnastics organizations in accordance with the national reciprocity agreement.
24. Member clubs shall disclose their own appeal decisions to the NBGA, which may further disclose such records at its discretion or as required to ensure consistent enforcement across jurisdictions; the NBGA will recognize, respect, and enforce all appeal decisions of member clubs, GymCan, or any other provincial/territorial gymnastics organization.

**Costs**

25. The Parties shall be responsible for all costs associated with filing or responding to an appeal, including any travel and accommodations necessary to attend a hearing and any costs associated with legal or other type of representation.
26. The NBGA shall be responsible for the costs associated with the administration of the hearing and its own legal representation.

**Alternative Dispute Resolution**

27. At any point in this process, the appeal may move to ADR if all Parties agree that such a course of action would be mutually beneficial.



## ALTERNATIVE DISPUTE RESOLUTION POLICY

The NBGA supports the principles of Alternative Dispute Resolution (ADR) and encourages members to first use ADR as a means for resolving disputes before issues escalate to formal complaints or appeals. The ADR techniques of negotiation, facilitation, and mediation are effective and often less adversarial ways to settle disputes. ADR may also avoid or minimize the uncertainty, costs, and other negative effects that can arise with lengthy disciplinary hearings, appeals processes, or litigation. In recognition that negotiated settlements are usually preferable to arbitrated outcomes, the NBGA encourages all individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. This policy may apply to any complaint or appeal that falls within the NBGA's jurisdiction.

1. Opportunities for ADR may be pursued at any point during the complaints or appeals process if all parties agree that such a course of action would be mutually beneficial.
2. The NBGA shall appoint a mediator or facilitator to handle the dispute; this may be an external appointment with experience in dispute resolution or, with the agreement of both Parties, the Case/Appeal Manager may act as the mediator or facilitator.
3. The mediator or facilitator shall decide the format by which the dispute will be handled and specify a deadline before which the Parties must reach a negotiated decision.
4. Should a settlement or resolution not be reached by the specified deadline, the dispute shall be referred back to the complaints or appeals process and continue from the stage that the Case/Appeal Manager deems appropriate.
5. Should a settlement or resolution be reached, it shall be reported to the Case/Appeal Manager; any actions that are to take place as a result of the negotiated decision will be enacted on the timelines specified by the settlement, pending approval of the NBGA.
6. The NBGA may determine, at its sole discretion, that the negotiated decision does not align with the organization's policies related to disciplinary action or sanctions; if the decision is not approved, the matter will be referred back to the Case Manager and continue from the stage in the complaints process that they deem appropriate.
7. Any negotiated settlement or resolution approved by the NBGA shall be final and binding on all parties and may not be appealed.
8. The ADR process is confidential and involves only the necessary parties, which may include the member club, the NBGA, the Case/Appeal Manager, the Complainant and the Respondent (and their designated representatives, if applicable), the mediator or facilitator, and any independent advisors to the mediator or facilitator; no information with respect to the ADR process or the underlying issue or complaint shall be disclosed to any person outside of the proceedings.
9. Any breach of the confidentiality of this policy may be subject to the proceedings set forth in the Complaints and Discipline Policy.
10. The costs of the ADR process will be shared equally between the Parties.