



# TENNIS CANADA: SAFESPORT CODE OF CONDUCT (INCLUDING TENNIS PROFESSIONALS ASSOCIATION)

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**Approved by: Board of Directors**

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## **Table of Contents**

A. Policy Statement	page 2
B. Definitions	page 2
C. General Principles and Commitments	page 5
D. Scope of Application	page 10
E. Compliance with the Code	page 11
F. Reporting and Investigation	page 12
Appendix A: Maltreatment	page 22
Appendix B: Procedures for Addressing Suspected Maltreatment of a Minor	page 28

## A. POLICY STATEMENT

The Code of Conduct (the “**Code**”) is founded on the highest ethical standards of treating all persons with fairness and respect, ensuring the full and fair participation of all persons in the sport of tennis, and facilitating the fair, equitable, transparent and timely resolution of disputes.<sup>1</sup>

Tennis Canada is committed to leading the growth of tennis in Canada by promoting an environment that is free from all forms of Neglect and Maltreatment, and that reflects its core values of teamwork, passion, integrity, innovation, excellence, and accountability.

This Code is meant to protect all individuals and identifies the standard of behaviour Tennis Canada expects of its Personnel, Athletes and Coaches, as well as the consequences of non-compliance. It is incumbent upon every individual to voluntarily comply with the Code and all of Tennis Canada’s policies as outlined in the Cover Note that are applicable to the individual. Tennis Canada encourages the Reporting of all violations of the Code, especially incidents of alleged Neglect and Maltreatment, regardless of who the offender may be.

Any reference made to Tennis Canada shall be deemed to include the Tennis Professionals Association (“**TPA**”). Note: this code is also applicable to certified pickleball instructors, coaches, and professionals.

## B. DEFINITIONS

**Athlete:** An individual who is a member of a provincial or territorial tennis association and/or competes locally, provincially, nationally and internationally. This includes athletes that attend training camps, regroupings and have the potential to join the national team programs, teams and tours.

**Complainant:** A Personnel, Athlete, Coach and/or parent/guardian of a Minor who Reports an alleged or suspected violation of the Code.

**Consent:**<sup>2</sup> Consent is defined in Canada’s *Criminal Code* as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent.<sup>3</sup> The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity.

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<sup>1</sup> These standards are adapted from the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (the “**UCC**”).

<sup>2</sup> This definition is taken directly from the UCC.

<sup>3</sup> The *Criminal Code* also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of someone abusing a position of trust, power or authority or someone consents on someone else’s behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless

Sexual activity with a Minor is a criminal offence as is sexual activity with a person under the age of 18 when the other person is in a position of trust or authority. It is a criminal offence to engage in sexual activity with a Minor, as a Minor is unable to consent.

**Coach:** A Certified Instructor, Tennis Canada employed Coach, Tennis Canada contracted Coach, Club Professional, Coach who is a current member of TPA, or anyone who has completed the Safeguarding Only Certification. This also includes certified pickleball instructors, coaches and professionals.

**Minor:<sup>4</sup>** An individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment occurred. It is the responsibility of the adult to know the age of a minor.

The following table illustrates the definition of a Minor for the purposes of protection in each province and territory at the time of writing this Code. Please check your local jurisdiction for potential changes.

<i>Province or Territory</i>	<i>Definition of Minor for purposes of protection</i>
Newfoundland and Labrador	under 16 years old
Prince Edward Island	under 18 years old
Nova Scotia	under 19 years old
New Brunswick	under 19 years old
Quebec	under 18 years old
Ontario	under 18 years old
Manitoba	under 18 years old
Saskatchewan	under 16 years old
Alberta	under 18 years old
British Columbia	under 19 years old
Yukon	under 19 years old
Northwest Territories	under 16 years old
Nunavut	under 16 years old

\*Note: Minors with disabilities are eligible for protective services until age 19.

**Maltreatment:** See “**Appendix A**”.

**Neglect:<sup>5</sup>** Any pattern or a single serious incident of lack of reasonable care, inattention to the needs, nurturing or well-being of the Personnel, Athlete and/or Coach, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the needs and requirements of the Personnel,

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about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent.

<sup>4</sup> This definition is taken directly from the UCC.

<sup>5</sup> This definition is taken directly from the UCC.

Athlete and/or Coach, not whether harm is intended or results from the behaviour.

Neglect, or acts of omission, includes without limitation: not providing an Athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an Athlete during travel, training or competition; not considering the welfare of the Athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport's rules, regulations, and standards; subjecting Personnel, Athletes and/or Coaches to the risk of Maltreatment; when no one intervenes when a Personnel, Athlete and/or Coach is persistently harassed.

**Personnel:** Every individual who is subject to this Code of Conduct, which includes employees, students, interns, officials, self-employed independent contractors, volunteers, and members of the Board.

**Power Imbalance:**<sup>6</sup> A Power Imbalance may exist where, based on the totality of the circumstances, a Personnel, Athlete and/or Coach has supervisory, evaluative, a duty of care, or other authority over another Personnel, Athlete and/or Coach. A Power Imbalance may also exist between an Athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support persons, guides or pilots. Maltreatment occurs when this power is misused.<sup>7</sup>

Power may be represented by seniority, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples. Maltreatment occurs when this power is misused. Moreover, it is recognized that those from traditionally marginalized groups have experienced positions of lesser power.

Once a Coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the Coach-Athlete relationship, regardless of age, and is presumed to continue for Minor Athletes after the Coach-

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<sup>6</sup> This definition is taken in part from the UCC.

<sup>7</sup> A Power Imbalance may also arise whether the Personnel, Athlete and/or Coach are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and Coach; employer and employee; technical official and Athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent and child; teacher and student; Coach and Athlete; high performance director and Athlete, sport science and medical support staff and Athlete; billet or host family and Athlete; and 3) a peer-to-peer relationship, including but not limited to teammate-teammate, Athlete-Athlete, Coach-Coach or official-official relationships.

Athlete relationship terminates or until the Athlete reaches 25 years of age.

A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).

**Reporting  
(or Report):<sup>8</sup>**

The provision of information in writing by any Personnel, Athlete, Coach and/or parent/guardian of a Minor to Whistleblower Security regarding an alleged or suspected violation of the Code.

Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the violation, Neglect and/or Maltreatment, or (ii) the individual who witnessed, knows and/or suspects the violation, Neglect and/or Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent.

**Respondent:**

A Personnel, Athlete and/or Coach who is alleged or suspected to have violated the Code.

**Whistleblower  
Security:<sup>9</sup>**

Whistleblower Security is an independent organization that was retained by Tennis Canada to receive and, if needed, investigate all complaints identified in this Code. Their performance will be reviewed on an annual basis.

**C. GENERAL PRINCIPLES AND COMMITMENTS**

*Integrity* Personnel, Athletes and Coaches will conduct themselves in an open, ethical, and fair manner; will demonstrate integrity through words and actions by doing what is right, by telling the truth and upholding the law; and will be accountable for their conduct.

*Respect* Personnel, Athletes and Coaches will strive to ensure that everyone is treated equally, regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation.

Personnel, Athletes and Coaches will also preserve the dignity of each person in interacting with others, and respect the principles, rules, and policies in force.

*Dignity* Personnel, Athletes and Coaches will maintain and enhance the dignity and self-esteem of Athletes and other individuals by:

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<sup>8</sup> This definition is taken directly from the UCC.

<sup>9</sup> <https://www.whistleblowersecurity.com/services/integritycounts/>

(a) Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation;

(b) Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;

(c) Demonstrating a spirit of sportsmanship, sport leadership, and ethical conduct;

(d) Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;

(e) Consistently treating individuals fairly and reasonably; and,

(f) Ensuring adherence to the rules of the sport and the spirit of those rules.

### *Positive*

*Environment* Tennis Canada is committed to providing an environment free of Neglect and Maltreatment.

Personnel, Athletes and Coaches are dedicated to treating others equitably and creating an inclusive environment free of Neglect and Maltreatment.

Personnel, Athletes and Coaches are responsible for creating and maintaining a positive working and playing environment, and must be respectful and courteous towards others whether inside or outside of Tennis Canada.

### *Honouring Sport*

Personnel, Athletes and Coaches must strictly observe and ensure observance of all regulations. The aim is to compete fairly and maintain dignity in all circumstances and exercise self-control. It is important for Personnel, Athletes and Coaches to respect officials and accept their decisions without questioning their integrity.

### *Responsible Behaviour*

Tennis Canada expects Personnel, Athletes and Coaches to:

- Honour commitments, words given, and agreed to objectives;
- Maintain confidentiality and privacy of personal information and use it appropriately;
- Avoid deriving personal advantage from a situation or decision;
- Know one's limitations in terms of knowledge and skills when making decisions, giving instructions or taking action;
- Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities;
- Avoid consuming alcohol in situations where Minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations at sanctioned events;

- Do not engage in, directly or indirectly, any acts of violence. All forms of violence are strictly prohibited and will constitute a violation of the Code and may warrant police involvement and investigation;
- Respect the property of others and do not wilfully cause damage; and
- Adhere to all federal, provincial, and municipal laws, including host country laws.

### *Physical Safety & Health*

Personnel, Athletes and Coaches are committed to maintaining a safe environment, including at training and competition site(s), by following health and safety rules and practices. Personnel, Athletes and Coaches will operate in a safe manner at all times, and practice care to ensure other Personnel, Athletes, Coaches, volunteers and other third parties are conducting themselves in a safe manner. When Personnel, Athletes and/or Coaches observe unsafe behaviour, he or she has a duty to Report it to the Director of Safesport and Integrity as soon as possible.<sup>10</sup>

### *Athlete Safety*

- Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved Athletes.
- Avoid placing Athletes in situations presenting unnecessary risk or that are beyond their level.
- Strive to preserve the present and future health and well-being of Athletes.
- To the extent possible, prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes.
- To the extent possible, avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments.

### *Athlete Development*

- To the extent possible, support the coaching staff of a training camp, provincial/territorial team, or national team, should an Athlete qualify for participation with one of these programs.
- Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.

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<sup>10</sup> Safety also includes safe driving practices when Personnel, Athletes and/or Coaches are responsible for transporting Minors, Athletes, or any other individual(s) as part of their responsibilities. To ensure the passengers' safety and reduce the risk of accidents, it is essential that the driver obey all applicable road safety laws and regulations, including no distracted driving, no driving under the influence of drugs, alcohol and/or medication, no smoking or vaping in the vehicle, and no aggressive driving.

- Act in the best interest of the Athlete's development as a whole person.
- Respect Coaches.
- Respect Athletes playing with other teams and, in dealings with them, do not encroach upon topics or actions which are deemed to be within the realm of 'coaching', until the Coaches who are responsible for the Athletes have provided their approval.

#### *Athlete Protection*

- Do not, under any circumstances, provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of Minors, alcohol and/or tobacco.
- Do not, under any circumstances, engage in a sexual relationship with a Personnel, Athlete and/or Coach under the age of 18.
- Do not engage in an intimate or sexual relationship with a Personnel, Athlete and/or Coach over the age of 18 if you are in a position of power, trust, or authority over the individual (see definition of Power Imbalance).
- Coaches must recognize the power inherent in the position of "coach" and must respect and promote the rights of all Athletes in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of Athletes who are in a vulnerable or dependent position and less able to protect their own rights.

#### *No Harassment or*

*Misconduct* Refrain from any behaviour that constitutes harassment, where harassment is defined as behaviour that is likely to be offensive, embarrassing or humiliating, and that involves unwelcome and offensive comments, conduct, gestures or contact based on or related to race, colour, sex, disability, ethnic or national origin, age, religion or creed, sexual orientation, marital or family status, civil status, or other prohibited grounds of discrimination. Types of behaviour that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts;
- The display of visual material which is offensive or which one ought to know is offensive in the circumstances;
- Unwelcome remarks, jokes, comments, innuendo, or taunts;
- Leering or other suggestive or obscene gestures;
- Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;



- Any form of hazing where hazing is defined as “Any potentially humiliating, degrading, abusive, or dangerous activity expected of individual(s) by a more senior individual(s), which does not contribute to either person’s positive sport experience or development, but is required to be accepted as part of a team, regardless of the individual’s willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any individual based on class, number of years on the team, or athletic or other ability”;
- Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing;
- Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment; and,
- Retaliation or threats of retaliation against an individual who Reports harassment to Whistleblower Security.

#### *No Sexual*

**Harassment** Refrain from any behaviour that constitutes sexual harassment, where sexual harassment is defined as engaging in sexually-oriented comments, conduct, anecdotes, gestures or touching that are offensive or unwelcome, that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to Personnel, Athletes and/or Coaches. Types of behaviour that constitute sexual harassment include, but are not limited to:

- Sexist jokes;
- Display of sexually offensive material;
- Sexually degrading words used to describe a person;
- Inquiries or comments about a person’s sex life;
- Unwelcome sexual flirtations, advances, propositions, requests, or invitations;
- Persistent unwanted contact;
- Taking, posting and/or receiving sexually suggestive or explicit photographs of an Athlete, including any photograph whatsoever of a Minor outside of an athletic setting; and,
- Sexual assault.

#### *No Sexual*

**Misconduct** Refrain from any behaviour that constitutes sexual misconduct, where sexual misconduct is defined as the use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity, including explicit or implicit threats of reprisals for non-compliance or promises of rewards for compliance.

#### *No Doping*

*or Drug Use* Every Personnel, Athlete and Coach is to abstain from the non-medical use of drugs. Athletes are also prohibited from using performance-enhancing drugs or methods.

Tennis Canada adopts and adheres to the Canadian Anti-Doping Program (“**CADP**”). Any infraction under CADP will be considered a violation of this Code and may be subject to further disciplinary action, and possible sanction. Tennis Canada will respect any penalty enacted pursuant to a breach of the CADP imposed by any other sport organization. Further, it is the responsibility of each Coach to become familiar with the CADP and related policies, including Therapeutic Use Exemptions (TUEs) for Athletes.

Tennis Canada expects all Personnel, Athletes and Coaches to refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision who has incurred an anti-doping infraction and is serving a sanction involving a period of ineligibility imposed pursuant to the CADP and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES).

*Confidential Information*

Confidential and personal information about Tennis Canada, its Personnel, Athletes, Coaches, volunteers and other third parties should not be divulged to anyone other than persons who are authorized to receive such information. When there is doubt as to whether certain information is confidential, no disclosure should be made without first asking the Director of Safesport and Integrity. This basic policy of caution and discretion in handling confidential information extends to both external and internal disclosure.

*Conflicts of Interest*

Personnel, Athletes and Coaches will act in the best interests of Tennis Canada and will avoid conflicts between their personal interests and the interests of Tennis Canada. Potential conflicts may include but are not limited to personal business interests and the interests of family and friends. Any potential conflicts should be discussed with the Director of Safesport and Integrity.

*Gifts or Benefits*

Personnel, Athletes and Coaches may not accept or tender gifts, entertainment, payments, services, privileges or favours of more than \$150 from or to others such that they could be construed by an impartial observer to be a bribe, pay off or improper incentive in relation to their role with Tennis Canada. When the individual is in doubt as to whether certain gifts or benefits are appropriate he or she should discuss the matter with the Director of Safesport and Integrity. Where possible, gifts should be shared internally and not taken personally. Transactions that are considered appropriate activities for a particular job description are acceptable.

**D. SCOPE OF APPLICATION**

*General*

The Code applies to all communications and interactions between Personnel, Athletes and Coaches, and between Personnel, Athletes and Coaches and others outside of Tennis Canada, including athletes, coaches, volunteers, vendors, and members of the public, with whom Personnel, Athletes and Coaches interact in the course of their employment or contract.

The Code applies to the conduct of Personnel, Athletes and Coaches during all Tennis Canada activities, including: while they are performing services, including at off-site assignments/tournaments; at employment or contract-related functions or events; when communicating by telephone or electronically; or in situations where there is a connection to the services being performed or Tennis Canada's business or operations. The Code also applies, at all times, to Personnel, Athletes and/or Coaches who are travelling with players (24 hours a day). For further clarity, the Code applies to those Personnel, Athletes and Coaches who are now retired or no longer active with Tennis Canada but were when the alleged Code violation occurred.

### *Coaches*

As it relates to Coaches, the Code applies to, *inter alia*, coaching and other professional activities undertaken by Coaches, and coaching sessions and club activities, such as competitions, tournaments, matches, practices, tryouts, camps, leagues, round robin, private lessons, group lessons, club social events, school outreach or other community programs. The Code also applies to all travel associated with coaching. In addition to the Code, Coaches working in clubs are required to adhere to all club policies and procedures.

The Code also applies to a Coach's conduct outside of Tennis Canada-related activities when such conduct adversely affects relationships with members, Personnel, Athletes, Coaches and other individuals affiliated with Tennis Canada, and when it is detrimental to the image and reputation of Tennis Canada.

### *Neglect and Maltreatment*

The Code applies to any Neglect and/or Maltreatment occurring during the course of or in conjunction with any Tennis Canada business, activity or event, whether inside or outside of Canada. It is a violation of the Code for Personnel, Athletes and Coaches to engage in any form of Neglect and Maltreatment and it is also a violation of the Code for Personnel, Athletes and Coaches in positions of authority to place other Personnel, Athletes and/or Coaches in situations that make them vulnerable to Neglect and/or Maltreatment. Please refer to "Section B: Definitions" for an overview of what constitutes Neglect and Maltreatment.

Every person who experiences Maltreatment continues to have the right to seek assistance from the police, their provincial or territorial child protection authority (if applicable), and their provincial or territorial human rights commission. Allegations of Maltreatment will be dealt with in accordance with the requirements of applicable provincial or territorial child protection legislation and the *Criminal Code*. Consistent with provincial and territorial child protection legislation every person who suspects that a Minor has suffered or is likely to suffer harm has a duty to report that suspicion to child protective services. There is also a duty to Report any alleged or suspected violation(s) of the Code, including Neglect and Maltreatment, regardless of whether the violation(s) occurred in Canada or abroad.

## **E. COMPLIANCE WITH THE CODE**

All Personnel, Athletes and Coaches shall review the Code in its entirety and sign a copy of the Code agreeing to be bound by its terms and conditions. Tennis Canada reserves the right to unilaterally update and/or change the Code at its discretion.

Personnel, Athletes and Coaches are responsible for their actions and must adhere to the Code. Tennis Canada does not condone or tolerate any violations of the Code. Violating the Code will lead to corrective action, which may include, *inter alia*, termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances. Tennis Canada reserves the right to address violations of the Code in the manner it determines to be appropriate, which may include initiating legal proceedings or reporting such violations to the appropriate authorities.

If Personnel, Athletes and/or Coaches have any questions about what interests may put them in conflict with their duties and responsibilities to Tennis Canada, and/or what constitutes an illegal or unethical act or inappropriate behaviour under the Code, they are to contact the Director of Safesport and Integrity.

### *Criminal Code*

Every Personnel, Athlete and Coach is obligated to self-report any ongoing criminal investigation(s), charge(s), conviction(s), and/or existing bail conditions, including those for violence, child Pornography, or possession, use, or sale of any illegal substance.

Any charge(s) and conviction(s) for any of the following *Criminal Code* offenses will be deemed a violation of the Code and will, other than in exceptional circumstances, result in, *inter alia*, termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, revocation of the Coach's certification and membership with Tennis Canada and the TPA, or any other sanction(s) that is appropriate in the circumstances:

- a) Any child Pornography offences;
- b) Any sexual offences;
- c) Any offence involving violence; and,
- d) Any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List.

The decision will be shared with the individual's employer, the Board of Directors of Tennis Canada and the relevant provincial tennis association, as well as any other organization deemed necessary by Tennis Canada.

## **F. REPORTING AND INVESTIGATION**

Personnel, Athletes and Coaches are expected to Report all alleged or suspected violations of the Code as soon as possible after experiencing or witnessing the interaction, incident, event or situation of concern. This requirement to Report applies to any alleged or suspected violation(s) of the Code, whether it occurred domestically or abroad.

All complaints related to any alleged or suspected violation of the Code shall be Reported to Whistleblower Security.<sup>11</sup> The individual Reporting the alleged or suspected violation is the “Complainant”.

Personnel, Athletes and Coaches making a good faith Report are not required to prove the Report is true before Reporting. The responsibility lies in Reporting the objective behaviour.<sup>12</sup>

### *Maltreatment*

All adult Personnel, Athletes and Coaches are under a legal duty to Report alleged or suspected Maltreatment involving a Minor. An adult Personnel, Athlete or Coach who fails to Report alleged or suspected Maltreatment involving a Minor pursuant to the Code’s processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under the Code.<sup>13</sup> The requirement to report to law enforcement or child protection services varies by province depending on provincial legislation.

The obligation to Report requires the Reporting of any conduct which, if proven true, would constitute Maltreatment involving a Minor. The obligation to Report is an ongoing one and is not satisfied simply by making an initial Report. The obligation includes Reporting, on a timely basis, all relevant information of which an adult Personnel, Athlete and/or Coach becomes aware.<sup>14</sup>

### *Inappropriate Conduct*

Not all inappropriate conduct may meet the threshold for constituting Neglect and/or Maltreatment under the Code. However, such inappropriate conduct may represent behavior with the risk of escalating to Neglect and/or Maltreatment under the Code. Any Personnel, Athlete and/or Coach who suspects or becomes aware of another’s inappropriate conduct, even if it is not defined as Neglect and/or Maltreatment under the Code, has a duty to Report such inappropriate conduct.<sup>15</sup>

### ***Preliminary Steps***

Complaints shall be in writing and must be made within 60 days of the alleged or suspected violation, unless exceptional circumstances apply. Whistleblower Security may decline to investigate a complaint that is made outside of the 60-day timeline. Whistleblower Security may also decline to investigate a complaint that is outside of its scope.

If a complaint is denied by Whistleblower Security for being outside of (a) the 60-day timeline or (b) its scope of investigation, the Complainant may follow the appeal route outlined below under “Procedural Appeals”.

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<sup>11</sup> Contact information for Whistleblower Security:

- 1-866-921-6714 or [tenniscanada@integritycounts.ca](mailto:tenniscanada@integritycounts.ca)
- <https://www.integritycounts.ca/org/tenniscanada>

<sup>12</sup> This paragraph is taken directly from the UCC.

<sup>13</sup> This paragraph is taken directly from the UCC.

<sup>14</sup> This paragraph is taken directly from the UCC.

<sup>15</sup> This paragraph is taken directly from the UCC.

Whistleblower Security will promptly respond to all complaints received and action will be initiated within thirty (30) days from the date of receiving the complaint.

### ***Investigation Process***

Once Whistleblower Security accepts a complaint for investigation, the following steps will be taken:

1. Whistleblower Security shall immediately provide a copy of the complaint to Tennis Canada;
2. Whistleblower Security shall appoint an investigator who will contact the Complainant, the Respondent, and Tennis Canada and determine if an informal resolution is possible;
3. If an informal resolution is not possible, the investigator will conduct an investigation. Personnel, Athletes, Coaches and witnesses are expected to cooperate with the investigator and provide full details, to the best of their ability, of the interaction, incident, event or situation they have experienced or witnessed;
4. Prior to or during the investigation, the Director of Safesport and Integrity may take steps to address immediate concerns, such as safety, by imposing disciplinary sanctions pending the outcome of the investigation, including but not limited to, probation, suspension and restrictions on eligibility;
5. Once the investigation is complete, the investigator will prepare a report with his/her findings and provide the report to the Director of Safesport and Integrity at Tennis Canada. Depending on the findings and severity of the violation(s), the Director of Safesport and Integrity, in consultation with an internal panel<sup>16</sup>, may:
  - Dismiss the complaint if it is trivial, vexatious, untimely, or unsubstantiated, or as otherwise recommended by the investigator; or
  - Allow the complaint and determine the appropriate sanction.

Tennis Canada retains the discretion of whether to share the full investigation report with the parties. However, in every case a summary of the full investigation report will be shared with the Complainant and Respondent, and any other individual deemed appropriate, including the provincial tennis association.

Any procedure outlined in and supporting this Code does not prevent a Complainant from filing a complaint or claim under human rights or occupational health and safety legislation or making a police report. Any activity that is considered to be contrary to the *Criminal Code* shall be reported to the police.

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<sup>16</sup> The CEO of Tennis Canada maintains the sole discretion to decide who should be on the internal panel and in exercising his/her discretion may consult with the Director of Safesport and Integrity.

If a Minor is involved, the parents or guardians of the Minor must be contacted with the least possible delay. However, reporting to the police should not be delayed because of the unavailability of a parent or guardian. Please see “**Appendix B**” for the procedures to follow when addressing suspected Maltreatment of a Minor.

### ***Resolution and Sanctions***

If at any time during the investigation the complaint can be resolved to the satisfaction of the Complainant and in a manner acceptable to the Respondent and Tennis Canada, the resolution will be documented, and a copy sent to the Complainant, the Respondent, and Tennis Canada.

Otherwise, if the complaint is determined to be legitimate, a sanction may be imposed. Sanctions will be case-specific. Any sanction imposed against a Personnel, Athlete and/or Coach must be proportionate and reasonable, relative to the violation that has occurred, taking into account previous disciplinary actions.<sup>17</sup>

Factors relied upon in determining the appropriate sanction(s) include, without limitation<sup>18</sup>:

- The nature and duration of the Respondent’s relationship with the Complainant, including whether there is a Power Imbalance;
- The Respondent’s prior history and any pattern of inappropriate behaviour, Neglect and/or Maltreatment;
- The ages of the individuals involved;
- Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- The Respondent’s voluntary admission of the violation(s), acceptance of responsibility for the behaviour, and/or cooperation in the Code’s process;
- The real or perceived impact of the incident on the Complainant, sport organization and/or the sporting community;
- The circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Code; addiction; disability; illness);
- Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- A Respondent who is in a position of trust, or in an intimate or high-impact decision-making role, may face more serious sanctions; and/or
- Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.<sup>19</sup>

### ***Types of Sanctions***<sup>20</sup>

As explained above under “Investigation Process”, after the investigation is complete, the investigator will prepare a report with his/her findings and provide a copy to the Director of Safesport and Integrity. The Director of Safesport and Integrity will then, in consultation with an

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<sup>17</sup> The last sentence is taken directly from the UCC.

<sup>18</sup> These factors are taken directly from the UCC.

<sup>19</sup> This sentence is taken directly from the UCC.

<sup>20</sup> This section is largely taken from the UCC.

internal panel<sup>21</sup>, either dismiss the complaint or allow the complaint to determine the appropriate sanction. The sanctions imposed may include, but are not limited to, the following:

(a) Verbal or written reprimand

- A verbal reprimand or an official, written notice and formal admonition that a Personnel, Athlete and/or Coach has violated the Code and that more severe sanctions will result should there be additional violations.

(b) Education

- The requirement that a Personnel, Athlete and/or Coach undertake specified educational or similar remedial measures to address the violation.

(c) Probation

- Should any further violations of the Code occur during the probationary period, additional disciplinary measures, likely including a period of suspension or permanent ineligibility for an Athlete/Coach, will be imposed. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time.

(d) Suspension

- Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization. Once the suspension is complete, the Personnel, Athlete and/or Coach is eligible to return to work/playing/coaching but reinstatement may be subject to certain restrictions or contingent upon the Personnel, Athlete and/or Coach satisfying specific conditions noted at the time of suspension. The terms and length of the suspension, as well as any restrictions or conditions imposed, is at the discretion of Tennis Canada.

(e) Eligibility restrictions

- Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

(f) Permanent ineligibility

- Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of any sport organization.

(g) Other discretionary sanctions

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

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<sup>21</sup> The CEO of Tennis Canada maintains the sole discretion to decide who should be on the internal panel and in exercising his/her discretion may consult with the Director of Safesport and Integrity.



- Personnel, Athletes and/or Coaches determined by Tennis Canada to be responsible for Neglect and/or Maltreatment in violation of this Code will be subject to appropriate corrective or disciplinary action, up to and including termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances.

(h) Specific to Coaches

- Imposition of conditions on the Coach's certification and/or membership, with or without the provision that another sanction will be imposed if the conditions are not observed;
- Suspension or revocation of the Coach's certification and/or membership;
- Temporary suspension or termination of Tennis Canada funding to the Coach and/or his/her Club; and
- Banning, in any way, from Tennis Canada events, training and/or facilities.

(i) Automatic sanctions regarding Maltreatment

- The following sanctions are automatically imposed and are deemed to be fair and appropriate for the listed Maltreatment, but the Respondent who is affected may rebut these sanctions:
  - Sexual Maltreatment involving a Minor Complainant shall carry an automatic sanction of permanent ineligibility, termination of employment, and/or rescission of contract.
  - Sexual Maltreatment, Physical Maltreatment with contact and Maltreatment related to process shall carry an automatic sanction of either a period of suspension or eligibility restrictions.
  - While a Respondent has pending charges or dispositions in violation of the criminal law, the automatic sanction shall be a period of suspension.

Once the investigation concludes and sanction(s), if any, are imposed, the Complainant and the Respondent will be notified of the findings and conclusions. In appropriate circumstances, following legal advice, and at its discretion, Tennis Canada may provide the Complainant, the Respondent and others with additional information relating to the investigation.

Where appropriate, Tennis Canada, at its discretion, may also give notice of a Code violation to affected third parties, such as a Coach's employer, provincial tennis associations, or others.

The names of Respondents who have been sanctioned and/or whose eligibility to participate in sport has in some way been restricted shall be posted on Tennis Canada's website.

## **Appeal of Decision**

### **A. *Procedural Appeals***

A procedural appeal may be brought if the complaint is made outside of the 60-day timeline or if Whistleblower Security declines to investigate a complaint as it is outside of its scope of investigation.

To submit a procedural appeal, the Complainant must provide a written statement setting out his/her grounds of appeal to the Director of Safesport and Integrity within thirty (30) days of the date of receiving the decision. The Director of Safesport and Integrity, in consultation with an internal panel<sup>22</sup>, will then either dismiss the appeal, or allow the appeal and refer the complaint back to Whistleblower Security for investigation.

## **B. Merit-Based Appeals**

An appeal on the merits will arise when Whistleblower Security has completed an investigation and provided a copy of its report to the Director of Safesport and Integrity who then decides, in consultation with an internal panel<sup>23</sup>, whether to dismiss the complaint, or allow the complaint and impose appropriate sanction(s). A Complainant or Respondent may appeal the decision of the Director of Safesport and Integrity.

To submit an appeal, the Complainant or Respondent must provide a written statement setting out his/her grounds of appeal to the Director of Safesport and Integrity within thirty (30) days of the date of receiving the decision. Grounds for appeal may include:

- Failing to follow procedures as set out in this Code;
- Making a decision which was influenced by bias;
- Exercising discretion for an improper purpose;
- Making a decision which was grossly unreasonable; and,
- Any other grounds which are deemed sufficient.

Within sixty (60) days of receiving the written appeal, the Director of Safesport and Integrity may order the parties to attend mediation. If mediation is unsuccessful, then the Director of Safesport and Integrity will refer the appeal to a hearing panel composed of one (1) to three (3) individuals from either inside or outside Tennis Canada<sup>24</sup>. The hearing panel may dismiss the appeal, or allow the appeal and, *inter alia*, revoke the sanction or findings, or impose a different sanction. In each case, the hearing panel must give reasons in writing for its decision.

Every appeal will be handled in a manner that upholds the principles of procedural fairness applicable in the circumstances.

In every case, affected persons shall be notified in writing of the appeal, and provided with the opportunity to deliver responding evidence and submissions.

### *Appeals to the Sport Dispute Resolution Centre of Canada*

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<sup>22</sup> The CEO of Tennis Canada maintains the sole discretion to decide who should be on the internal panel and in exercising his/her discretion may consult with the Director of Safesport and Integrity.

<sup>23</sup> The CEO of Tennis Canada maintains the sole discretion to decide who should be on the internal panel and in exercising his/her discretion may consult with the Director of Safesport and Integrity.

<sup>24</sup> The CEO of Tennis Canada maintains the sole discretion to decide who should be on the internal panel and in exercising his/her discretion may consult with the Director of Safesport and Integrity.

Nothing in this Code affects the rights, if any, for a Complainant or Respondent to engage in dispute resolution proceedings before the Sport Dispute Resolution Centre of Canada.

## **Other Considerations**

### ***Confidentiality***

Personnel, Athletes and Coaches can be assured that Tennis Canada will take all possible steps to preserve confidentiality to the extent reasonably possible and in accordance with applicable privacy legislation and other legal requirements. Despite assurances of confidentiality and privacy, Tennis Canada must report incidents that are likely to give rise to a claim to its insurance provider at the time Tennis Canada is made aware of the incident. Moreover, Tennis Canada may be required to share relevant information with child protection authorities and police. Tennis Canada may also be required to provide sufficient information about the allegation(s) to the Respondent to enable him/her to provide a proper response. In many cases, this will mean that anonymity is not feasible or fair.

At the same time, all participants in the investigation are expected to keep confidential all discussions and interactions with the investigator, as well as information and records related to the complaint. A failure to maintain confidentiality may result in disciplinary consequences.

Human Resources will keep and retain investigation records in accordance with the applicable legislation. Records will be kept as long as the individual is an employee or on contract and as long as possible unless legislation requires their destruction. Such records will be stored in a confidential file maintained and accessed only by the Human Resources manager or his or her delegate. If a complaint is not substantiated, no documentation of the complaint will be placed in the personnel file of the Respondent, but records will be maintained so that repeat patterns can be highlighted.

### ***Jurisdiction***

This Code does take precedence over any dispute resolution procedure contained within a contract, employment agreement, or other formal written agreement.

Any alleged Code violations or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Code.

### ***Fabricated, Malicious, Frivolous or Vexatious Complaints***

If it is determined that a Complainant has made a complaint or influenced others to make a complaint that is fabricated, malicious, frivolous or vexatious, he or she will be subject to disciplinary action up to and including termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances. Repeated unfounded complaints may in appropriate circumstances be considered fabricated, malicious, frivolous or vexatious and result in disciplinary action, up to and including termination of employment for just cause, termination

or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances.

An allegation is false if the events Reported did not occur, and the person making the Report knows the events did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a Code violation nor will it necessarily be considered fabricated, malicious, frivolous or vexatious.<sup>25</sup>

### ***Manipulation of Process, Retaliation and Aiding & Abetting***

#### ***Interference with or Manipulation of Process<sup>26</sup>***

An adult Personnel, Athlete and/or Coach will have violated the Code by directly or indirectly interfering with a Code process by:

- falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- destroying or concealing information;
- attempting to discourage an individual's proper participation in or use of the Code's processes;
- harassing or intimidating (verbally or physically) any person involved in the Code's processes before, during, and/or following any Code proceedings;
- publicly disclosing identifying information of a Personnel, Athlete and/or Coach, without permission;
- failing to comply with any temporary or provisional measure or other final sanction;
- distributing or otherwise publicizing materials a Personnel, Athlete and/or Coach gains access to during a Code investigation or hearing, except as required by law or as expressly permitted; or
- influencing or attempting to influence another person to interfere with or manipulate the process.

#### ***Retaliation<sup>27</sup>***

Retaliation is prohibited. It is a violation of this Code to retaliate in any way against Personnel, Athletes and/or Coaches who have raised a good faith concern or made a bona fide Report about alleged or suspected violation(s) of the Code, or against a witness, investigator, decision maker or other person who has cooperated or participated in an investigation. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the Code's processes.

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<sup>25</sup> This paragraph is taken directly from the UCC.

<sup>26</sup> This section is taken directly from the UCC.

<sup>27</sup> This section is taken in part from the UCC.

Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Code violation occurred.

Any person who experiences such retaliation must immediately Report their concern to the Director of Safesport and Integrity. Disciplinary action will be taken against Personnel, Athletes and/or Coaches who engage in retaliatory conduct, up to and including termination of employment for just cause, termination or rescission of contract, removal from one's position, permanent ineligibility, or any other sanction(s) that is appropriate in the circumstances.

### *Aiding and Abetting*<sup>28</sup>

Aiding and abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of a violation of the Code by a Personnel, Athlete and/or Coach. Aiding and abetting also includes, without limitation, knowingly:

- allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Personnel, Athletes and/or Coaches;
- providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
- allowing any person to violate the terms of their suspension or any other sanctions imposed.

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<sup>28</sup> This section is taken in part from the UCC.

## **Appendix A: Maltreatment<sup>29</sup>**

It is a violation of the Code for Personnel, Athletes and Coaches to engage in any form of Maltreatment.

Maltreatment can be any of the prohibited behaviours and conduct, provided the Maltreatment occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the Personnel, Athlete and/or Coach alleged to have committed Maltreatment was engaging in sport activities or (iii) when the Personnel, Athlete and/or Coach involved interacted with the victim due to their mutual involvement in sport or (iv) outside of the sport environment where the Maltreatment has a serious and detrimental impact on another Personnel, Athlete and/or Coach. The physical location(s) where the alleged Maltreatment occurred is not determinative.

The categories of Maltreatment below are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.

Maltreatment is defined as volitional acts that result in harm or the potential for physical or psychological harm, including:

### (a) Psychological Maltreatment

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the Personnel, Athlete and/or Coach. Psychological Maltreatment includes, without limitation, verbal acts, non-assaultive physical acts, and acts that denies attention or support. It is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

#### *Verbal Acts*

Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.

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<sup>29</sup> This Appendix on Maltreatment is largely taken from the UCC.

*Non-assaultive Physical Acts (no physical contact)*

Physically aggressive behaviors, including but not limited to: throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.

*Acts that Deny Attention or Support*

Acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an Athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

(b) Physical Maltreatment

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the Personnel, Athlete and/or Coach. Physical Maltreatment includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm. Physical Maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

*Contact behaviours*

Including but not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects.

*Non-contact behaviours*

Including but not limited to: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an Athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a Personnel, Athlete and/or Coach under the legal drinking age; providing illegal drugs or non-prescribed medications to a Personnel, Athlete and/or Coach; encouraging or knowingly permitting an Athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an Athlete to perform a skill for which they are known to not be developmentally ready.

(c) Emotional Maltreatment

Emotional abuse is a chronic attack on a person's self-esteem. It is psychologically destructive behaviour. It can take the form of, among other things, name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the person's needs.

(d) Sexual Maltreatment

The use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity, including explicit or implicit threats of reprisals for non-compliance or promises of reward for compliance.

Minors under 14 are deemed unable to Consent to sexual touching by an adult. Minors under 18 are deemed not to Consent to sexual activity by an adult who is in a position of authority or trust.

Sexual Maltreatment is any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a person without the Consent of that person. It includes, without limitation, any act targeting a person's sexuality, gender identity or expression, that is committed, threatened or attempted against a person, and includes but is not limited to the *Criminal Code* offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature.

Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

Examples of Sexual Maltreatment include, without limitation:

- Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
  - (a) vaginal penetration by a penis, object, tongue, or finger; and
  - (b) anal penetration by a penis, object, tongue, or finger.
- Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
  - (a) kissing;
  - (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
  - (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
  - (d) making another touch themselves, the perpetrator, or someone else with or on any of the body parts listed in (b).
  - (e) any intentional touching in a sexualized manner of the relationship, context or situation.
- In addition to the criminal acts identified above, the Code prohibits sexual relations between a Personnel, Athlete and/or Coach above the age of majority (depending upon jurisdiction) and a Personnel, Athlete and/or Coach who holds a position of trust and authority on the basis that there can be no Consent where there is a Power Imbalance. A Power Imbalance that is presumed to exist may be challenged.

#### (e) Maltreatment Related to Grooming

Grooming is often a slow, gradual and escalating process of building trust and comfort with a young person. Grooming includes, without limitation, the process of making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally-identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult Personnel, Athletes and/or Coaches sharing rooms with a



Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel; and providing gifts).

Grooming usually begins with subtle behaviours that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

In the grooming process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person's trust. Grooming then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to "accidental" sexual touching.

The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned.

Grooming can occur whether or not harm is intended or results from the behaviour.

(f) Bullying and Harassment as a form of Maltreatment

Generally, Bullying and Harassment is any inappropriate conduct or comment by a person towards Personnel, Athletes and/or Coaches that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated or otherwise constitutes a threat to the health or safety of the individual.

Examples of words or actions that might constitute Bullying and Harassment include, without limitation:

- verbal statements such as derogatory comments, slurs, innuendo or unwanted sexual invitations or comments;
- negative physical contact, such as assault, blocking or impeding of normal movement, or interference with work;
- inappropriate communication over e-mail or social media or by other electronic means; and
- a pattern of behaviour that humiliates, intimidates, offends or degrades the Personnel, Athlete and/or Coach.

To constitute Bullying and Harassment, there must be either:

- repeated conduct, comments, displays, actions or gestures with a lasting, harmful effect on the Personnel, Athlete and/or Coach; or
- a single, serious improper or unacceptable interaction, incident, event or situation that has a lasting, harmful effect on the Personnel, Athlete and/or Coach.

Bullying and Harassment can occur even where there is no intention to bully or harass.

*Harassment*

Behaviour that is likely to be offensive, embarrassing or humiliating, and that involves unwelcome and offensive comments, conduct, gestures or contact based on or related to race, colour, sex, disability, ethnic or national origin, age, religion or creed, sexual orientation, marital or family status, civil status, or other prohibited grounds of discrimination. Types of behaviour that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts;
- The display of visual material which is offensive or which one ought to know is offensive in the circumstances;
- Unwelcome remarks, jokes, comments, innuendo, or taunts;
- Leering or other suggestive or obscene gestures;
- Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
- Any form of hazing where hazing is defined as: any potentially humiliating, degrading, abusive, or dangerous activity expected of individual(s) by a more senior individual(s), which does not contribute to either person's positive work or sport experience or development, but is required to be accepted as part of a team, regardless of the individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any individual based on class, number of years on the team, or athletic or other ability.
- Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing;
- Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment; and,
- Retaliation or threats of retaliation against an individual who Reports harassment to Whistleblower Security.

### *Sexual Harassment*

Engaging in sexually-oriented comments, conduct, anecdotes, gestures or touching that are offensive or unwelcome that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to Personnel, Athletes and/or Coaches. Types of behaviour that constitute sexual harassment include, but are not limited to:

- Sexist jokes;
- Display of sexually offensive material;
- Sexually degrading words used to describe a person;
- Inquiries or comments about a person's sex life;
- Unwelcome sexual flirtations, advances, propositions, requests, or invitations;
- Persistent unwanted contact;
- Taking, posting and/or receiving sexually suggestive or explicit photographs of an Athlete, including any photograph whatsoever of a Minor outside of an athletic setting; and,
- Sexual assault.

### (g) Discrimination as a form of Maltreatment

Discrimination is improper or unacceptable conduct that is related or connected to a prohibited ground of discrimination in employment under the applicable provincial human rights legislation. Prohibited grounds of discrimination, which may vary by province, may include race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, or conviction of a criminal or summary conviction offence that is unrelated to employment or intended employment.

(h) What is not Maltreatment

Not every unpleasant or negative interaction, incident, event or situation is Maltreatment, Bullying and Harassment, or Discrimination. Nothing in this Code restricts the legitimate and good faith exercise of supervisory or managerial rights and responsibilities, without limitation:

- giving advice;
- respectful discussion of different points of view;
- assigning, scheduling or changing work;
- performance appraisal;
- performance or behaviour correction;
- discipline or termination of employment for cause;
- reasonable action taken by a supervisor or manager relating to the management and direction of Personnel, Athletes and/or Coaches and the workplace;
- the freedom of individuals to choose with whom to socialize in activities not related to the workplace;
- interpersonal conflicts or relations unless humiliating, intimidating or threatening to health or safety; and
- different communication styles so long as those communication styles are within the reasonable limits of respectful workplace interactions.

## **Appendix B: Procedures for Addressing Suspected Maltreatment of a Minor**

### General Principles

The child protection authorities and/or police have prime responsibility for the investigation of allegations of abuse of Minors, defined in this Code as Maltreatment. This means that any investigation by Whistleblower Security will be deferred or modified, pending the completion of a related child protection or police investigation. Whistleblower Security will work cooperatively with the appropriate child protection authority and police and will share all information relevant to an investigation, to the extent permitted by law.

### Receiving a Complaint from a Minor

An initial disclosure of alleged Maltreatment of a Minor must be received and responded to appropriately. Trauma may result from responses that seek to minimize or discount truthful disclosures. Similarly, external investigations may be compromised by unnecessary questioning.

Where Personnel, Athletes and/or Coaches of Tennis Canada have reasonable grounds to suspect that a Minor has suffered or is at risk of likely suffering Maltreatment, he or she must report those suspicions and the information on which they are based directly to the provincial or territorial child protection authority. The reporting person may request that one or more representatives of Tennis Canada be present while he or she is making the report to the child protection authority. If the individual believes the Minor to be at risk of immediate harm, the individual must file a report directly to the police. The individual must also immediately notify the Director of Safesport and Integrity, or its delegate.

The Director of Safesport and Integrity, or its delegate, must immediately notify the Minor's parents or guardians, unless it would be inappropriate to do so in the circumstances. It may be appropriate in some cases to seek the advice of the child protection authority prior to contacting the Minor's parents or guardians.

The reporting person may need to ask questions of the Minor or of the Minor's parent to clarify the nature of the complaint. Questioning should occur only until the point that the person has a reasonable suspicion that the Minor has suffered Maltreatment. Any further questioning constitutes investigation, which is the responsibility of the child protection authority or the police. Personnel, Athletes and/or Coaches of Tennis Canada must avoid interfering with investigations conducted by either child protection or police.

The reporting person must document in writing all details of the report and provide a copy to the Director of Safesport and Integrity. The Director of Safesport and Integrity, or its delegate, must contact the child protection authority confirming that the suspicion has been reported, and keep a copy of the confirmation.

The Director of Safesport and Integrity, or its delegate, shall consult with the child protection authority as to the best way to address the Minor's continued involvement in Tennis Canada

activities, if appropriate, and shall follow up with the child protection authority to determine the outcome of the investigation.

Tennis Canada shall ensure that support structures are in place for Minors who disclose alleged Maltreatment. Tennis Canada will pay for six (6) counselling sessions, without prejudice, to determine the best support for the Minor.

#### When Personnel, Athletes and/or Coaches are Suspected

Where Personnel, Athletes and/or Coaches of Tennis Canada are suspected of conduct that may constitute Maltreatment, the Director of Safesport and Integrity, or its delegate, must be notified immediately and provided with all relevant information regarding the suspicion. Where the Director of Safesport and Integrity, or its delegate, is suspected of such conduct, the Chief Executive Officer of Tennis Canada must be notified.

The subject matter of a complaint should not be discussed with the alleged perpetrator until specific instructions are received from the investigating police or child protection authority.

Generally, where Maltreatment has been alleged against Personnel, Athletes and/or Coaches, the individual(s) should be removed from situations involving unsupervised access to Minors, pending determination as to whether Maltreatment occurred. Depending on the circumstances, removal may involve reassignment to other duties, suspension with or without pay (if an employee), or immediate termination if, for example, Maltreatment is admitted. This decision will be made by the Director of Safesport and Integrity.

The status of Personnel, Athletes and/or Coaches should be reassessed upon completion of any police or child protection investigation, after any criminal charges are laid, after any criminal case is completed, and upon completion of any investigation by Whistleblower Security.

Any investigation conducted by Whistleblower Security and any resulting discipline imposed by the Director of Safesport and Integrity in connection with alleged Maltreatment should be informed by the desirability of:

- (a) Avoiding or reducing trauma to the Minor;
- (b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
- (c) Ensuring fairness to the Tennis Canada Personnel, Athletes and/or Coaches against whom a complaint has been made. The guarantee of fairness does not extend as far as providing emotional support, legal support or advocacy.

#### When a Minor is Suspected

Where the Personnel, Athlete and/or Coach of Tennis Canada who is suspected of conduct that may constitute Maltreatment is a Minor, the procedures outlined above apply, with necessary modifications. The child protection authority should be contacted about both the victim and the alleged perpetrator, and the parents of both the victim and the alleged perpetrator should be notified.

The Director of Safesport and Integrity, or its delegate, should review the available information to determine whether the alleged perpetrator may continue to participate in Tennis Canada activities pending investigation of the matter. Advice of the child protection authority or the police may be sought in this regard.

A decision to permit the alleged perpetrator to continue to participate may be made if it is determined, after appropriate consultation, that the alleged perpetrator's continued involvement is unlikely to be detrimental to the physical or mental well-being of the alleged victim or witnesses or other Personnel, Athletes and/or Coaches, and is in the alleged perpetrator's best interests. Reasonable conditions may be imposed.

### Guidelines for Responding to a Disclosure of Maltreatment

#### *Duty to Report*

Every province and territory has enacted legislation that outlines an individual's responsibility to protect Minors from abuse, which is defined in this Code as Maltreatment. Everyone has a duty to report suspected or actual Maltreatment. The report must be made to your local child protection agency (e.g. Children's Aid Society, Child and Family Services, etc.). If you believe that a Minor needs immediate protection, you must contact the police (911).

The way you respond to information shared with you by a Minor is critical. The following guidance should help you in the first minutes of a disclosure of suspected Maltreatment:

#### *Do:*

- Listen to the Minor and reassure the Minor that you believe him/her.

It is highly unlikely and rare for a Minor to fabricate stories of Maltreatment. The Minor has approached you because of your relationship; do not interrupt or express disbelief or shock, either through your words, your actions or your facial expressions.

- Speak to the Minor in private.

It is important that the Minor continue to feel safe while disclosing Maltreatment. Listen to the Minor in a quiet, private area that is also within view (open and observable) by others.

- Reassure the Minor that the conduct described is not the Minor's fault and that the Minor has done the right thing by disclosing.

It is common for a Minor to feel that he/she has caused the Maltreatment to occur or that he/she could have done more to stop it. Sometimes Minors feel that they deserve the Maltreatment, especially if it has been occurring for a lengthy period of time or if they have suffered Maltreatment by others previously.

- Tell the Minor who must be notified to better protect and respond to the disclosure.

The Minor may not want you to tell anyone else. In fact, he/she may cry or beg you to keep the information to yourself. Do not promise that you can do so.

After the disclosure, record clear and detailed notes, using the words of the Minor as much as possible. Record time and date of disclosure, identity of Minor and alleged perpetrator, details of the incident(s) and other relevant information. Sign and date the

document. If you need to make additions to the document, do so without altering the original. It is critical not to interview or probe into the disclosure by asking many questions, even if you are just wanting clarification; let him/her tell the story and then report. Your questioning may jeopardize an investigation; leave that to the appropriate officials.

- Determine the immediate safety needs of the Minor, involving the Minor in this decision.

Do not allow a Minor to return to an actively abusive situation. If you believe a Minor is at risk of immediate harm, call the police or tell child protection when you report.

*Do not:*

- Bring the suspected perpetrator in to confront the Minor.

Although you may have difficulty believing the disclosure made by the Minor and you may have to file a report against a colleague or a friend, it is detrimental to the Minor and the investigation to even notify the alleged perpetrator that you have received an allegation or that you are reporting the allegation to authorities. Do not do either.