



# Tennis Professionals Association (TPA) Code of Conduct (November 2017)



## Purpose

Affiliation with the TPA brings many privileges and benefits. At the same time, Coaches are expected to meet certain obligations, including complying with this Code of Conduct. Irresponsible behaviour by Coaches can result in severe damage to the coach/athlete relationship, the integrity of the TPA and the sport of tennis, as well as the Coach's reputation. Coaches must be aware that they are expected to model behaviour appropriate for the Coach's role as a representative of the TPA. This document outlines the conduct expected of Coaches and the disciplinary procedures that Coaches are subject to if they are in breach of this Code of Conduct. Compliance with this Code of Conduct depends: primarily, upon understanding and voluntary compliance; secondarily, upon reinforcement by peers and others; and finally, when necessary, upon enforcement through disciplinary proceedings.

## Application of the Code of Conduct

1. Within this Code of Conduct, a "Coach" means a Certified Instructor, Club Professional or Coach who is a current member of the TPA.
2. The Code of Conduct applies to a Coach's conduct during all TPA activities related to their coaching position. This includes but is not limited to coaching and other professional activities undertaken by Coaches, coaching sessions and club activities, such as competitions, tournaments, matches, practices, tryouts, camps, leagues, round robin, private lessons, group lesson, club social events, school outreach or other community programs. The Code of Conduct also applies to all travel associated with coaching. In addition, Coaches working in clubs are required to adhere to all club policies and procedures.
3. The Code of Conduct applies to a Coach's conduct outside of TPA-related activities when such conduct adversely affects relationships with members, athletes or other individuals affiliated with the TPA, or when it is detrimental to the image and reputation of the TPA.
4. Coaches who fall within the scope of Tennis Canada's Code of Conduct are required to adhere to that Code of Conduct in addition to this one.

## TPA Code of Ethics

5. TPA members agree to follow the NCCP Code of Ethics (2012), which describes five Ethical Principles and the corresponding Standards of Behaviour Expected of Coaches. The NCCP Code of Ethics has been adopted as the ethical conduct standard by the TPA.

Principle	Standards of Behaviour Expected of Coaches
<b>Physical Safety and Health of Athletes</b>	Ensure that training or competition site is safe at all times
	Be prepared to act quickly and appropriately in case of emergency
	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

<b>Coaching Responsibility</b>	Make wise use of the authority of the position and make decisions in the interest of athletes
	Foster self-esteem among athletes
	Avoid deriving personal advantage for a situation or decision
	Know one's limitations in terms of knowledge and skills when making decisions, giving instructions or taking action
	Honour commitments, word given, and agreed objectives
	Maintain confidentiality and privacy of personal information and use it appropriately
<b>Integrity in Relations with Others</b>	Avoid situations that may affect objectivity or impartiality of coaching duties
	Abstain from all behaviours considered to be harassment or inappropriate relations with an athlete
	Always ensure decisions are taken equitably
<b>Respect</b>	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.
	Preserve the dignity of each person in interacting with others
	Respect the principles, rules, and policies in force
<b>Honouring Sport</b>	Strictly observe and ensure observance of all regulations
	Aim to compete fairly
	Maintain dignity in all circumstances and exercise self-control
	Respect officials and accept their decisions without questioning their integrity

## TPA Member Responsibilities

6. TPA members have the following responsibilities:

### *Dignity*

7. Maintain and enhance the dignity and self-esteem of athletes and other individuals by:
  - 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.

### *Harassment and Misconduct*

8. 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:
  - a) Written or verbal abuse, threats, or outbursts;
  - b) The display of visual material which is offensive or which one ought to know is offensive in the circumstances;
  - c) Unwelcome remarks, jokes, comments, innuendo, or taunts;
  - d) Leering or other suggestive or obscene gestures;
  - e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - f) Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - g) 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*";
  - h) Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing;
  - i) 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,
  - j) Retaliation or threats of retaliation against an individual who reports harassment to the TPA.
9. 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 teammates. Types of behaviour that constitute sexual harassment include, but are not limited to:
  - a) Sexist jokes;

- b) Display of sexually offensive material;
- c) Sexually degrading words used to describe a person;
- d) Inquiries or comments about a person's sex life;
- e) Unwelcome sexual flirtations, advances, or propositions;
- f) Unwelcome sexual flirtations, advances, requests, or invitations; and,
- g) Persistent unwanted contact; and,
- h) Sexual assault.

10. 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 reward for compliance.

#### *Doping and Drug Use*

11. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the TPA adopts and adheres to the Canadian Anti-Doping Program (CADP). Any infraction under this Program will be considered an infraction of this Code and may be subject to further disciplinary action, and possible sanction. The TPA 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.
12. 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 rule violation 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).

#### *Inappropriate Behaviour*

13. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
14. 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.
15. Respect the property of others and do not wilfully cause damage.
16. Adhere to all federal, provincial, municipal and host country laws.

#### *Athlete Safety*

17. 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.
18. 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.
19. 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*

20. 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.
21. Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete.
22. Act in the best interest of the athlete's development as a whole person.
23. Respect coaches.
24. Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', until the coaches who are responsible for the athletes have provided their approval.

### *Athlete Protection*

25. Self-report any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance.
26. 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.
27. Do not engage in a sexual relationship with an athlete under 18 years old or an intimate or sexual relationship with an athlete over the age of 18 if the Coach is in a position of power, trust, or authority over the athlete.
28. Recognize the power inherent in the position of Coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights.

### **Criminal Convictions**

29. An individual's conviction for any of the following *Criminal Code* offenses will be deemed an infraction and will, other than in exceptional circumstances, result in revocation of the Coach's TPA certification and membership:
  - 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.

## Disciplinary Procedures

### Infractions

30. Examples of infractions include:

- a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour;
- b) Disrespectful conduct such as outbursts of anger or argument;
- c) Non-compliance with, or disregard for, TPA policies, procedures, rules, or regulations;
- d) Tampering;
- e) Any incident of hazing;
- f) Physical abuse;
- g) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
- h) Pranks, jokes, or other activities that endanger the safety of others;
- i) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition;
- j) Conduct that intentionally damages the image, credibility, or reputation of the TPA;
- k) Abusive use of alcohol, provision of alcohol to minors, or use or possession of illicit drugs and narcotics;
- l) Any possession or use of banned performance enhancing drugs or methods, or condoning such use by others; and,
- m) Any responsibility of a TPA member noted in Sections 5-28, above.

### Infraction Referrals and Complaints

31. Any individual may report to a representative of the TPA a complaint of an alleged infraction of the Code of Conduct. Such complaint must be in writing and must be made within 60 days of the alleged infraction.

32. Upon observing or receiving a report of an alleged infraction by a Coach, a representative of the TPA should, first, determine whether the alleged infraction involves the conduct of a TPA member while employed or otherwise engaged by the TPA or Tennis Canada. As a general rule, where a TPA member's misconduct occurs outside of his or her employment or engagement directly by the TPA or Tennis Canada, alleged infractions are most appropriately addressed through the organization employing, engaging or otherwise overseeing the TPA member, under that organization's conduct rules.

- a) If the conduct involves the conduct of a TPA member while employed or otherwise engaged by the TPA or Tennis Canada: The representative of the TPA should take one or more of the following steps, as appropriate:
  - a. Determine whether the matter warrants the involvement of the police and, if so, take steps to report the matter accordingly to them;
  - b. Investigate the matter, determine whether an infraction has occurred, and impose an appropriate sanction; or
  - c. At his or her discretion, refer the alleged infraction to the Chief Executive Officer (CEO) of Tennis Canada or to an individual designated by the CEO.
- b) If the conduct does NOT involve the conduct of a TPA member while employed or otherwise engaged by the TPA or Tennis Canada (for example, if the conduct involved the TPA member's conduct while

employed at a private club or while the TPA member was self-employed): The representative of the TPA should, as appropriate:

- a. Determine whether the matter warrants the involvement of the police and, if so, take steps to report the matter accordingly to them;
- b. Report the observed infraction to the organization having direct supervisory responsibilities over the TPA member; or
- c. Direct the person making the report of the alleged infraction to do so.

c) In exceptional circumstances, the representative of the TPA may refer an alleged infraction described in paragraph (b) to the CEO of Tennis Canada or to the CEO's designate. Exceptional circumstances means, in this context, that:

- a. A criminal conviction or other formal finding of misconduct has been made against the TPA member, and the TPA representative concludes that it is appropriate for the TPA to consider the matter under this Code of Conduct;
- b. The matter has been reported to the organization having direct supervisory responsibilities over the TPA member, but that organization has declined to determine whether misconduct has occurred, and the matter involves allegations that are sufficient serious to merit direct attention by the TPA; or
- c. Other exceptional circumstances, as determined by the CEO or the CEO's designate.

33. TPA representatives who determine that an infraction has occurred are authorized to impose one or more of the following sanctions on the Coach:

- a) verbal or written reprimand.
- b) imposition of conditions on the Coach's certification and/or TPA membership, with or without the provision that another sanction will be imposed if the conditions are not observed.
- c) suspension or revocation of the Coach's certification and/or TPA membership.

34. Where appropriate, the TPA may at its discretion give notice of an infraction to affected third parties, such as the Coach's employer, provincial tennis associations, or others.

35. If an alleged infraction is referred to the CEO (or designate), or a complaint of an alleged infraction is made directly to the CEO (or designate) the CEO (or designate) may investigate the matter, and shall decide on the procedural requirements for addressing the referral or complaint, including deciding whether to address the matter in writing or using an oral hearing, whether to hold one or more pre-hearing conferences, whether to require production of documents or witnesses, and other matters. The CEO (or designate) shall address the referral or complaint in a manner that complies with the principles of procedural fairness applicable in the circumstances.

36. Regardless of the procedural requirements selected, the CEO (or designate) shall in every case give notice of the referral or complaint in writing to the person accused of the infraction, and to any other person directly affected by the referral or complaint, and provide those persons with the opportunity to deliver responding evidence and submissions.

37. Following completion of the procedural steps required, or selected by the CEO (or designate), the CEO (or designate) will review the referral or complaint and may:

- Dismiss the referral or complaint if he or she considers it to be trivial, vexatious, untimely or unsubstantiated (although the CEO or designate may consider a complaint that is untimely, in exceptional

circumstances, at his or her discretion);

- Determine that the referral or complaint does not fall within the jurisdiction of this Code, and refer it to the appropriate body having jurisdiction;
- Determine that the referral or complaint is most appropriately addressed by another person or organization, and dismiss the referral or complaint on that basis; or
- Determine that the complaint is legitimate, and impose a sanction.

38. In each case, the CEO or designate must give reasons in writing for his or her decision.

## **Appeals**

39. Appeals of decisions made by a TPA representative other than the CEO or his/her designate. Any Coach, upon receiving a sanction under this Code of Conduct from a TPA representative other than the CEO (or designate), may appeal either the infraction or sanction or both. To submit an appeal, the Coach must provide a written statement setting out his or her grounds of appeal to the CEO (or designate) within thirty (30) days of receiving the sanction.

40. A decision cannot be appealed to the CEO (or designate) without sufficient grounds for the appeal which include:

- Making a decision outside the scope of authority or jurisdiction;
- Failing to follow procedures as set out herein;
- 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 the CEO (or designate) deems sufficient to grant an appeal.

41. Upon receiving an appeal, the CEO (or designate) may investigate the matter, and shall decide on the procedural requirements for the appeal, including deciding whether to conduct the appeal in writing or using an oral hearing, whether to hold one or more pre-hearing conferences, whether to require production of documents or witnesses, and other matters. The CEO (or designate) shall conduct the appeal in a manner that complies with the principles of procedural fairness applicable in the circumstances.

42. Regardless of the procedural requirements selected, the CEO (or designate) shall in every case notify any directly affected persons in writing of the appeal, and provide those persons with the opportunity to deliver responding evidence and submissions.

43. Following completion of the procedural steps required, or selected by the CEO (or designate), the CEO (or designate) will consider the appeal and may:

- Dismiss the appeal if he or she considers it to be trivial, vexatious, untimely or unsubstantiated (although



the CEO or designate may consider a complaint that is untimely, in exceptional circumstances, at his or her discretion);

- Dismiss the appeal if he or she concludes that the appeal is without merit; or
- Allow the appeal, and take any steps he or she deems appropriate including, without limitation, revoking the sanction or the finding of an infraction, imposing a different sanction, publishing a statement regarding the alleged infraction, or referring the matter to the appropriate body having jurisdiction.

44. In each case, the CEO or designate must give reasons in writing for his or her decision.

45. Appeals to SDRCC. Nothing in this Code of Conduct affects the rights, if any, that a Coach may have to engage in dispute resolution proceedings before the Sport Dispute Resolution Centre of Canada.

### **Jurisdiction**

46. This Code of Conduct does not take precedence over any dispute resolution procedure contained within a contract, employment agreement, or other formal written agreement.

47. Any infractions 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 document.