

Sail Canada Code of Conduct

Approved by
Sail Canada Board, December 18, 2019





Sail Canada Code of Conduct

1) Purpose and Scope of the Code of Conduct

- a) The purpose of this Code of Conduct is to ensure that a safe, welcoming and positive environment is possible and available at all times within Sail Canada programs, activities and events, by making Sail Canada's Members and Participants aware that there is an expectation of appropriate behaviour consistent with the Sail Canada core values of integrity, adaptability, collaboration, respect, inclusiveness, accountability and leadership.
- b) This Code of Conduct identifies the standard of behaviour that is expected of all Sail Canada's Members and Participants.
- c) Members or Participants who fail to abide by this Code of Conduct may be subject to disciplinary action identified in this Code of Conduct and other Sail Canada's Policies and Procedures, including but not limited to the Harassment, Bullying and Discrimination Policy, Conflict of Interest Policy, Complaints Policy and Procedures, Gender and Equity Inclusivity Policy.
- d) This Code of Conduct adopts the principles laid out in the Canadian Universal Code of Conduct as revised from time to time. In case of conflict, Sail Canada's Code of Conduct shall prevail.

2) Definitions

- a) The following definitions apply to the Code of Conduct:
 - i) "CEO" means Chief Executive Officer or his or her designate as appointed by Sail Canada from time to time;
 - ii) "Code of Conduct" means Sail Canada's Code of conduct as amended from time to time;
 - iii) "Complaint" means a Complaint regarding an alleged violation of Sail Canada's Code of Conduct, Sail Canada's Harassment, Bullying and Discrimination Policy, Gender and Inclusivity Policy or any other Policies created and approved from time to time by Sail Canada;
 - iv) "Complainant" means a person or organization filing a Complaint who is either the victim of the alleged misconduct, a witness of the alleged misconduct or a person to whom the alleged misconduct has been brought to his or her attention. Sail Canada may be the Complainant;
 - v) "Confidential Information" is information of a highly sensitive or privileged nature;
 - vi) "Conflict of Interest" shall have the meaning in the Sail Canada's Conflict of Interest Policy;
 - vii) "Days" means days, irrespective of weekends or holidays;
 - viii) "Member" means a Sail Canada's Member as defined in Sail Canada's bylaws;

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- ix) “Misconduct” shall have the meaning in *The Racing Rules of Sailing* as amended from time to time, but currently defined as: “Misconduct is conduct that is a breach of good manners, a breach of good sportsmanship or unethical behaviour; or conduct that may bring the sport into disrepute;
- x) “Participants” or “Sail Canada Participants” are individuals who are participating in programs and activities directly under the auspices of Sail Canada including athletes, coaches, learning facilitators, instructors, officials, support persons, employees, contractors, volunteers, parents of Participants and those representing Sail Canada at any event;
- xi) “Racing Rules of Sailing” or “Rules” means The Racing Rules of Sailing as amended from time to time;
- xii) “Recognized Yacht or Sailing Club, School or Organization or Recognized Organizations” means a sailing or yacht club, school or organization that is a Member in good standing of Sail Canada or contracted by Sail Canada or a Member;
- xiii) “Safe Sport Officer” means an independent third party appointed by Sail Canada to receive and assess, in full confidence, Complaints related to Sail Canada’s Harassment, Bullying and Discrimination Policy;
- xiv) “Sail Canada” means the body duly incorporated under the name Sail Canada /Voile Canada.

3) Application

- a) All Members and Participants involved in activities and programs held under the purview of Sail Canada shall be bound by this Code of Conduct. Individuals may be subject to the provisions of more than one code simultaneously (province, club, sailor/athlete, etc), in which case they will still be bound by Sail Canada’s Code of Conduct if and when deemed applicable. The Code of Conduct is related to conduct that may arise during the course of Sail Canada activities, and events, including but not limited to workouts, training camps, team travel, workplace environment, activities, competitions, events, social media posts and any related meetings.
- b) Sail Canada’s Members and Recognized Organizations are encouraged to have their own Code of Conducts and related policies which shall be optimally aligned, whenever possible, with the Sail Canada’s Code of Conduct and relevant Sail Canada’s Policies.
- c) This Code of Conduct applies to the conduct that occurs outside of Sail Canada business and events when such conduct adversely affects relationships within Sail Canada, its work and sport environment, its sponsors or is detrimental to the image and reputation of the organization or the sport of sailing.
- d) In the event that Rule 69 of the Racing Rules of Sailing may apply to a breach of this Code of Conduct, that Rule and the processes as defined in the Racing Rules of Sailing shall govern the situation. Sail Canada will have the discretion to apply this Code of Conduct to the breach where circumstances warrant.

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4) Conduct

- a) At Sail Canada's events and events organized at or by Sail Canada covered by The Racing Rules of Sailing, the following applies:
 - i) Participants shall conduct themselves as prescribed by the Rules as well as any amendments thereto prescribed by the organizers of the specific event.
 - ii) All protests and appeals with respect to the misconduct of participants shall be conducted in the manner prescribed by the Rules, including any amendments thereto by the Organization Authority (OA) for the event.
- b) Participants in Sail Canada's activities not covered by the Rules shall conduct themselves in the manner prescribed by this Code of Conduct.
- c) In addition, and for greater certainty, Sail Canada's Members and Participants in all Sail Canada's events, activities and programs shall consistently display high personal standards and project a favourable image of the sport of sailing by:
 - i) Adhering to all international (where applicable), Canadian, Provincial, Municipal, Regional, Civic or host country laws;
 - ii) Conducting themselves in a sportsmanlike, ethical and responsible manner at all times;
 - iii) Modelling good seamanship, including wearing personal safety gear where appropriate and required;
 - iv) Respecting the dignity of other participants, treating them with respect, and actively encouraging others to do the same;
 - v) Refraining from public criticism of other participants;
 - vi) Refraining from comments and behaviours which are disrespectful, offensive, abusive, racist, or sexist;
 - vii) Refraining from the use of profane, or otherwise offensive language;
 - viii) Refraining from any form of harassment, abuse, or unlawful discrimination as defined by the Sail Canada's Harassment, Bullying and Discrimination Policy, including cyberbullying or any other form of social or other bullying;
 - ix) Respecting the property of others and not wilfully causing damage;
 - x) Either declaring a conflict of interest or withdrawing from participating in any activity that causes a conflict of interest as outlined in the Sail Canada's Conflict of Interest Policy;
 - xi) Refraining from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities or behaviour;
 - xii) Not attempting to cover up or conceal any conduct of an individual that is, or may be, in breach of this Code of Conduct;
 - xiii) Not betting or gambling on or attempting to manipulate or affect the outcome of any competition or event covered by the Racing Rules of Sailing;
 - xiv) Reporting an alleged infraction of this Code of Conduct;
 - xv) Not breaching the privacy of an individual where the individual has a right to expect privacy;
 - xvi) Athletes below the age of majority are further subject to the *Youth Code of Conduct* specifically developed for youth in Appendix B.

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- xvii) Coaches, Instructors, and individuals working with minors must be held to a higher standard in their dealings with those who are below the age of majority, as well as other vulnerable persons. A *Coaches/Instructors Code of Conduct*, which includes the above expectations, and expands on them with the unique expectations that come with the Instructor/Coaching role, can be found in Appendix C.
- xviii) Race Officials must exhibit professional, ethical and competent behaviour at all times while representing Sail Canada and the sport of sailing. A *Race Officials Code of Conduct*, which expands on these expectations is included in Appendix D.
- xix) Volunteers, Learning Facilitators, employees and contractors must exhibit professional, ethical and competent behaviour and must not use or transmit any Sail Canada related Confidential Information while serving with Sail Canada, nor following the termination of their relationship with Sail Canada.
- xx) Not being under the Influence of cannabis, alcohol or any medication that could cause impairment, or otherwise impaired at any time while performing duties or actively competing;
- xxi) Abstaining from the use of tobacco products while in the presence of other participants, except in designated smoking areas;
- xxii) Demonstrating honesty and integrity in all interactions with other participants, employers and local, Provincial and National administrators;
- xxiii) Not using or being in possession of illicit drugs/narcotics;
- xxiv) Abstaining from the use, possession, and the supply of banned substances and practices:
 - (1) Sail Canada adopts and adheres to the Canadian Anti-Doping Program; infractions under this program shall be considered an infraction of this Code;
 - (2) Sail Canada will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by Sail Canada or any other sport organization.

5) Management of Complaints

- a) Any Complaints originating from a violation of this Code of Conduct shall be dealt with in accordance with the Sail Canada's Complaints Policy and Procedures.
- b) Sail Canada has the full discretion to determine the gravity of the misconduct. In the case of harassment, bullying or unlawful discrimination, Sail Canada shall refer the matter to the Sail Canada's Safe Sport Officer who will determine the appropriate course of action in compliance with the Sail Canada's Complaints Policy and Procedures and the Harassment, Bullying and Discrimination Policy. Any misconducts determined to be minor shall be dealt with the CEO in compliance with the Sail Canada's Complaints Policy and Procedures.
- c) An infraction may be reported by a Member, Participant or by Sail Canada to the Sail Canada CEO (ceo@sailing.ca) or Sail Canada's Safe Sport Officer in case of an harassment, bullying or unlawful discrimination Complaints (contact

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information about the Safe Sport Officer can be found on Sail Canada's Safe Sport web page).

6) Types of misconduct

- a) Notwithstanding that the CEO or Sail Canada's Safe Sport Officer has the full discretion to qualify the misconduct, examples of minor misconduct is, but not limited to:
 - i) A single incident of disrespectful behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
 - ii) Unsportsmanlike conduct such as angry outbursts or arguing.
- b) Examples of more aggravating or major misconduct are, but not limited to:
 - i) Repeated incidents of disrespectful behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
 - ii) A single incident of offensive, abusive, racist or sexist commentary or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.
 - iii) Repeated unsportsmanlike conduct such as angry outbursts or arguing.
 - iv) Repeated incidents of being late for or absent from Sail Canada events and activities at which attendance is expected or required, whether intentional or not.
 - v) A single or repeated incident of physical or sexual abuse, harassment or discrimination.
 - vi) Activities or behaviour which intentionally, or even if not intentional with wanton disregard for the consequences, interfere with competition or with any athlete's preparation for a competition.
 - vii) Pranks, jokes or any activities that endanger the safety of others.
 - viii) Deliberate disregard for the rules and regulations under which sailing events are conducted, whether at the local, divisional, provincial, national or international level.
 - ix) Violation of the National Team Athlete Agreement.
 - x) Violation of the sponsorship policy for individual athletes.
 - xi) Abusive use of alcohol, where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive, causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely, or irrespective the level of consumption, is in breach of any applicable no alcohol policy.
 - xii) Use of alcohol by minors.
 - xiii) Use of illicit drugs and narcotics.

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Review and Approval

This policy was approved by Sail Canada's Board of Directors on December 18, 2019.

Sail Canada's Board of Directors may amend this policy at any time.

Responsibility for the administration and update of this Policy rests with the CEO.



Appendix A1:

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

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

Appendix A2:

All Events and Officiating Situations not covered by the Rules

- a) The primary responsibility for investigation an alleged breach of the Sail Canada Race Officials Code of Conduct lies with the Organizing Authority of the event, if applicable. When Sail Canada receives a written complaint about a race official's conduct and the race official was contracted by or volunteering at a Member, or a Provincial Sailing Association (PSA), the written complaint will be directed to that entity to investigate. That entity shall call a hearing or take whatever measures necessary to investigate the complaint and to determine whether the allegations have basis. Sail Canada may take action in any case where the above entity does not.
- b) Within fifteen (15) days of receiving a copy of the written complaint concerning a breach of Sail Canada's Race Official Code of Conduct, the Member, Organizing Authority or PSA will report to Sail Canada in writing. If the Member, Organizing Authority or PSA decides that the race official did breach the Sail Canada Race

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- Official Code of Conduct, it shall also indicate what actions it took to discipline the race official. These may include a warning, a suspension from activities, or dismissal.
- c) The Member, Organizing Authority or PSA may, in its report, recommend that Sail Canada take further disciplinary action against the race official. Sail Canada may conduct an investigation and when appropriate take further action. Such action may include prohibition from officiating at Sail Canada sponsored events or de-certification of the race official's Sail Canada certifications.
 - d) Where appropriate Sail Canada may delegate complaints and/or appeals to the PSA.
 - e) When Sail Canada receives a written complaint about a race official's behaviour and the race official is acting on behalf of Sail Canada (either as an employee, contractor or volunteer), it will follow its published guidelines for investigating the alleged breach as per Sail Canada's applicable policies.



Appendix B: Youth Code of Conduct

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

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

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

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

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

(Athlete Signature)

(date)

(Parent/Guardian)



Appendix C: Coach/Instructor Code of Conduct

1. Preamble

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

2. Conduct

- 2.1. In addition to their responsibilities as participants under the *Sail Canada Code of Conduct*, which is an integral part of this agreement, coaches and instructors have a unique responsibility to:
 - 2.1.1. Ensure the safety of all sailors and fellow coaches/instructors.
 - 2.1.2. Direct comments or criticism at the performance rather than at the athlete or student.
 - 2.1.3. Never allow the use of illicit drugs and other WADA banned substances.
 - 2.1.4. Never provide students with drugs, alcohol, cannabis or tobacco products.
 - 2.1.5. At no time attempt to become intimately and/or sexually involved with a student or athlete whom they are coaching or instructing.
 - 2.1.6. PFD Requirements
 - 2.1.6.1. Have an approved PFD on the boat at all times and in addition, wear a PFD when required by law, sailing instructions or a local organizing committee.
 - 2.1.6.2. Wear an approved PFD when teaching, coaching and training sailors under the age of 18 while on the water.
 - 2.1.7. Ensure their certification and registration is up to date at all times
 - 2.1.8. Respect the skill level of athletes and students by:
 - 2.1.8.1. Ensuring that the activity being undertaken is suitable for the age, experience and ability.
 - 2.1.8.2. Educating athletes and students in their responsibility to contribute to a safe sailing environment.
 - 2.1.8.3. Encouraging all sailors to demonstrate their own code of conduct.



(please print)

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

(signature)

(date)

(witness)

(date)

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Appendix D: Race Officials Code of Conduct

1. Preamble

- 1.1. Sail Canada Race Officials are among the most exposed officials of the sport. It is essential that race officials conduct themselves with the highest degree of competence, ethics, propriety, and integrity. As representatives of sailing and Sail Canada, they must not allow their conduct to bring the sport into disrepute.
- 1.2. Sail Canada Race Officials who breach this Code of Conduct may face disciplinary action by Sail Canada and possible termination of their certification.

2. Conduct

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



- 2.1.13. Not be Under the Influence (as defined by 3.4 above), during the officiating day (and in particular before or during hearings). Sail Canada Race Officials are expected to act in an appropriate and dignified manner at all times, particularly when competitors, other officials and organizers/sponsors are present.
- 2.1.14. Sail Canada Race Officials shall not smoke or vape whilst carrying out their duties.

(please print)

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

(signature)

(date)