Provincial Women's Softball Association Statement on Safe Sport

Provincial Women's Softball Association (P.W.S.A.) has a fundamental obligation and responsibility to protect the health, safety and physical and mental well-being of every individual that is involved in the P.W.S.A. community.

P.W.S.A. takes situations involving misconduct or maltreatment very seriously, whether the incident occurs on or off the field. For this reason, P.W.S.A. is committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

P.W.S.A.'s policies are intended to promote a safe environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise. They are also intended to prevent issues from arising in the first place by communicating expected standards of behaviour.

To this end, P.W.S.A. has adopted the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* as part of its conduct standard for all individuals participating in the activities of P.W.S.A. and its Member Associations.

Should any participant or other individual wish to report an incident or concern about misconduct or maltreatment involving anyone associated with P.W.S.A., including but not limited to athletes, coaches, officials, volunteers, and parents/guardians of athletes, they may do so directly through the identified pathway - https://app.integritycounts.ca/org/itpsport.

P.W.S.A. makes the following commitments to a sport environment free from all forms of misconduct and maltreatment:

a) All participants in sport can expect to play, practice, and compete, work, and interact in an environment free from misconduct and maltreatment.

b) Addressing the causes and consequences of misconduct and maltreatment is a collective responsibility and requires the deliberate efforts of all participants, broader sport community, sport administrators and organization leaders.

c) Participants in positions of trust and authority have the general responsibility to protect the health and well-being of all other participants.

d) Adult participants have a specific ethical and statutory duty and the additional responsibility to respond to incidents of misconduct and maltreatment involving Minors and other vulnerable participants.

e) All participants recognize that misconduct and maltreatment can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of misconduct and maltreatment.

f) All participants recognize that individuals who have experienced misconduct and maltreatment may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.

g) All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.

h) Individuals affiliated with P.W.S.A. may be required to complete appropriate mandatory training on preventing and addressing harassment and abuse.

i) In recognition of the historic vulnerability to discrimination and violence amongst some groups, which persists today, participants in positions of trust and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

Definitions

Terms in the P.W.S.A. policies are defined as follows:

a) ***Affected Party*** – any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.

b) ***Appeal Manager*** – an individual, who may be any staff member, committee member, volunteer, director, or an independent party, who is appointed to oversee the Appeal Policy. The Appeal Manager will have responsibilities that include using decision making authority under by the Appeal Policy.

c) ***Appellant*** – the party appealing a decision.

d) ***Athlete*** – an individual who is engaged in P.W.S.A. activities as an athlete and who is subject to the policies of P.W.S.A.

e) ***Athlete Support Personnel*** - any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other person working with, treating, or assisting an Athlete participating in or preparing for competition.

f) ***Bullying*** – offensive behaviour and/or abusive treatment of an individual that typically, but not always, involves an abuse of power.

g) ***CADP*** – Refers to the Canadian Anti-Doping Program, administered by the CCES.

h) ***CCES*** – Refers to the Canadian Centre for Ethics in Sport.

i) ***Cervicovestibular Rehabilitation*** - A type of rehabilitation program that usually includes education, cervical spine therapy and exercise along with vestibular rehabilitation (an exercise-based treatment that helps with the vestibular system, which affects balance and spatial orientation).

j) ***Code*** – the *Code of Conduct and Ethics*.

k) ***Commercial Activity –*** any particular transaction, act or conduct that is of a commercial character.

l) ***Complainant*** – an individual who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in P.W.S.A.'s policies, by-laws, rules or regulations, including the UCCMS.

m) ***Complete Symptom Resolution*** - resolution of symptoms associated with the current concussion at rest with no return of symptoms during or after maximal physical and cognitive exertion.

n) ***Concussion*** - A brain injury that can result in an alteration in thinking and behaviour because of a physical impact to the head, neck, face or body.

o) ***Criminal Record Check (CRC)*** – a search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions.

p) ***Canadian Safe Sport Program (CSSP)*** – Program created by the Canadian Centre for Ethics in Sport (CCES) in accordance with its mandate to independently administer and enforce the UCCMS for Sport Organizations as defined in the CSSP Rules (CSSP Sport Organization).

q) ***CSSP Participant*** – an individual affiliated with a CSSP Sport Organization, has been defined by the CSSP Rules or otherwise designated by a CSSP Sport Organization and is therefore subject to the CSSP Rules. CSSP Participants may include an Athlete, a coach, a board member, an official, an Athlete Support Personnel, an employee, a Worker, an administrator, or a volunteer acting on behalf of, or representing a CSSP Sport Organization in any capacity. CSSP Participants must complete certain requirements, including signing the required consent form.

r) ***CSSP Sport Organization*** – a federally funded sport organization that has adopted the CSSP and has retained the services of the CCES for the CSSP.

s) ***Days*** – calendar days[1].

t) ***Designated Person -*** *Refers to a person designated by P.W.S.A. removal-from-sport protocol and by its return-to-sport protocol for the purposes of fulfilling various duties indicated in this Policy.*

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

u) ***Dispute Resolution Officer*** – a panel of one or three people who are appointed by the Independent Third Party to decide on complaints that are assessed under Process #2 of the *Discipline and Complaints Policy*.

v) ***Diversity*** – the presence and integration of a variety of individuals with different personal characteristics, particularly Under-Represented Groups, in a group or organization.

w) ***Enhanced Police Information Check (E-PIC)*** – a Criminal Record Check plus a search of Local Police Information.

x) ***Equity*** – fairness afforded to individuals with diverse personal characteristics regardless of those characteristics.

y) ***Event*** – an event sanctioned by P.W.S.A. or a Member Association, and which may include a social Event.

a) ***Field Area*** – Any part of the field of play which includes but is not limited to the bench/dugout, stands, or surrounding fence area.

aa) ***Gender*** – The socially constructed roles, behaviours, activities, and attributes that a society assigns to masculinity or femininity.

ab) ***Gender Expression*** – The way an Organizational Participant communicates their gender identity to others. This is done through behaviour, body language, voice, emphasis or de-emphasis of bodily characteristics, choice of clothing, hairstyle, and wearing make-up and/or accessories. Others perceive a person's gender through these attributes. The traits and behaviours associated with masculinity and femininity are culturally specific and change over time. A person's chosen name and pronoun are also common ways people express their gender.

ac) ***Gender Identity*** – A person's innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. Gender also refers to a variety of social and behavioural characteristics (e.g., appearance, mannerisms). A person's gender identity may be the same as or different from their birth-assigned sex. There are lots of words people may use to talk about their gender identity and expression.

ad) ***Harass or Harassment*** – In addition to the definitions under the UCCMS, to harass or harassment is a course of vexatious comments or conduct against an Individual or group, which is known or ought reasonably to be known to be unwelcome. Harassing behaviours may also be Maltreatment. Types of behaviour that constitute harassment include, but are not limited to:

i. written or verbal abuse, threats, or outbursts;
ii. the display of visual material which is offensive or which one ought to know is offensive;
iii. unwelcome remarks, jokes, comments, innuendo, or taunts;
iv. leering or other suggestive or obscene gestures;
v. condescending or patronizing behaviour, which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
vi. practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
vii. any form of hazing;
viii. unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
ix. unwelcome sexual flirtations, advances, requests, or invitations;
x. physical or sexual assault;
xi. 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/or
xii. retaliation or threats of retaliation against an individual who reports harassment.

ae) ***Inclusion*** – acceptance of individuals with diverse personal characteristics into a group or organization regardless of those characteristics.

af) ***Individual(s)*** – refers to all categories of individual participants, including Registrants and Registrant Umpires as defined in the by-laws of P.W.S.A., who are subject to the policies, rules and regulations of P.W.S.A., as well as all persons employed by, contracted by, or engaged in activities with, P.W.S.A. and its registrants, including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, Athlete Support Personnel, managers, administrators, parents or guardians, spectators, committee members, or directors and officers.

ag) ***Independent Third Party*** – the individual or entity retained by P.W.S.A. to receive reports and complaints, and to fulfill the identified responsibilities outlined in the *Discipline and Complaints Policy* and *Appeal Policy*, as applicable. This individual or entity must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.

ah) ***Internal Discipline Chair*** – an individual appointed by P.W.S.A. or the Independent Third Party to decide on matters that are assessed under Process #1 of the Discipline and Complaints Policy. The Internal Discipline Chair may be a director, head coach, staff member, or other individual affiliated with P.W.S.A. but

must not be in a conflict of interest with any of the Parties.

ai) ***Interpersonal Communication*** - Communication that occurs between two or more Individuals within a communication medium.

aj) ***IP Address*** – a numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices.

ak) ***Local Police Information (LPI***) – additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought.

al) ***Maltreatment*** – as defined in the UCCMS.

am) ***Member Association*** – refers to the organizations that are admitted as Member Associations as indicated within P.W.S.A.'s by-laws. Member Associations can have two sub-categories of membership, where "Affiliated Member Associations" are members with voting rights, and "Associate Member Associations" are members who are tied to the Member Association for solely insurance purposes.

an) ***Minor*** – as defined in the UCCMS.

ao) ***Minor Athlete(s***) – an individual who is an Athlete Participant in P.W.S.A. who is subject to the policies of P.W.S.A. and to this Code who is under the age of 19 years old.

ap) ***Party or Parties*** – the individual(s) or entities involved in a dispute.

aq) ***Person in Authority*** – any Individual who holds a position of authority within the P.W.S.A. including, but not limited to, coaches, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, or directors and officers.

ar) ***Personal Information*** – any information about an individual that relates to the person's personal characteristics including, but not limited to gender, age, income, home address or phone number, ethnic background, family status, health history, and health conditions.

as) ***Power Imbalance*** – as defined in the UCCMS.

at) ***Prohibited Behaviour*** – as defined in the UCCMS.

au) ***Provisional Suspension*** – means that the Individual is barred temporarily from participating in any capacity in any Event or activity of P.W.S.A. and its Member Associations, or as otherwise restricted in their ability to participate in sanctioned activities pursuant to the Discipline and Complaints Policy, prior to the decision rendered in a hearing conducted pursuant to the policy.

av) ***Public Communication*** – Communication that is or was posted publicly, such as on a Participant's social media platform.

aw) ***Representatives*** – directors, officers, committee members, employees, athletes, coaches, officials, sport assistants, managers, trainers, volunteers, administrators, contractors operating within P.W.S.A.

ax) ***Respondent*** – the Party responding to the complaint or an appeal, as applicable.

ay) ***Responsible Coaching Movement*** (https://coach.ca/sport-safety/responsible-coaching-movement) – A call to action for sport organizations, parents, and coaches to enact responsible coaching across Canada – on and off the field.

az) ***Return-to-learn (RTL) -*** return to preinjury learning activities with no new academic support, including school accommodations or learning adjustments.

ba) ***Return-to-sport (RTS)*** - completion of the RTS strategy with no symptoms and no clinical findings associated with the current concussion at rest and with maximal physical exertion.

bb) ***SDRCC*** - Sport Dispute Resolution Centre of Canada.

bc) ***Sex*** – The classification of people as male, female, or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive system, hormones, chromosomes, and other physical characteristics, most notably by external genitalia.

bd) ***Sexual orientation*** - Sexual orientation describes human sexuality, from gay and lesbian to bisexual and heterosexual orientations. A person's gender identity is fundamentally different from and not related to their sexual orientation. Because a person identifies as trans does not predict or reveal anything about their sexual orientation. A trans person may identify as gay, lesbian, queer, straight, bisexual, or asexual, just as people who do not identify as trans.

be) ***Social Media*** – the catch-all term that is applied broadly to new computer-mediated communication media such as, but not limited to, blogs, YouTube, Facebook, Instagram, Threads, Tumblr, Tik Tok, Snapchat, Reddit and Twitter/X.

bf) ***Sport-Related Concussion ("SRC")*** – a sport-related concussion is a traumatic brain injury induced by biomechanical forces. Several common features that may be used to define the nature of a SRC may include:

i. caused either by a direct blow to the head, face, neck or elsewhere on the body with an impulsive force transmitted to the head;

ii. typically results in the rapid onset of short-lived impairment of neurological function that resolves spontaneously. However, in some cases, signs and symptoms evolve over several minutes to hours;

iii. may result in neuropathological changes, but the acute clinical signs and symptoms largely reflect a functional disturbance rather than a structural injury and, as such, no abnormality may be visibly apparent; or

iv. results in a range of clinical signs and symptoms that may or may not involve loss of consciousness. Resolution of the clinical and cognitive features typically follows a sequential course. However, in some cases symptoms may be prolonged.

bg) ***Suspected Concussion*** – means the recognition that an individual appears to have either experienced an injury or impact that may result in a concussion or who is exhibiting unusual behaviour that may be the result of concussion.

bh) ***Symptom Resolution at Rest*** - resolution of symptoms associated with the current concussion at rest.

bi) ***Transgender or Trans*** – An umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective), or gender non-conforming (gender diverse or genderqueer).

bj) ***TUE*** - Therapeutic Use Exemption.

bk) ***UCCMS*** - Universal Code of Conduct to Prevent And Address Maltreatment in Sport, as amended from time to time.

bl) ***Under-Represented*** Groups – includes women, individuals who identify as Black, Indigenous, or people of colour (BIPOC), children in low-income families, seniors, people with disabilities, newcomers to Canada, and members of the LGBTQ community.

bm) ***Vulnerable Participant or Vulnerable Individual*** – as defined in the UCCMS.

bn) ***Vulnerable Sector Check (VSC)*** – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, Local Police Information, and the Pardoned Sex Offender database. P.W.S.A. may also recognize equivalent mechanisms, such as Sterling Backcheck.

bo) ***Worker*** – any person who performs work for P.W.S.A. including employees, managers, supervisors, temporary Workers, volunteers, student volunteers, part-time Workers, the Board of Directors, and independent contractors.

bp) ***Workplace*** – any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions.

bq) ***Workplace Harassment*** – a course of vexatious comment or conduct against an Individual in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions.

br) ***Workplace Violence*** – the use of or threat of physical force by a person against a Worker in a Workplace that causes or could cause physical injury to the Worker; an attempt to exercise physical force against a Worker in a Workplace that could cause physical injury to the Worker; or a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker in a Workplace that could cause physical injury to the Worker.