



**ATLANTIC DIVISION**  
CANOEKAYAK CANADA

# **Policies & Procedures**

Updated February 2018

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# 1. Policies

## 1.1 General

The affairs of the Atlantic Division CanoeKayak Canada are conducted on a day to day basis, guided by the information outlined in [Canoe Kayak Canada Policies](#) and [By-Laws, Rules of Structure of the Sprint Racing Discipline, Sprint Racing Discipline Competition Rules of the Association](#), and the [By-Laws](#), and Policies with associated Procedures of the Atlantic Division.

It is the responsibility of all Atlantic Division members, Executive Committee, Board of Directors, volunteers and staff, to understand and follow the guidelines outlined in this document towards the development and betterment of the sport.

Where there is a difference in the standard of the published policy or procedure between the Atlantic Division and Canoe Kayak Canada, the higher standard will be the accepted requirement.

## 1.2. Interpretation

In these policies with associated procedures of the Atlantic Division, unless the context otherwise requires:

- a. "Policies" means all policies and associated procedures of the Atlantic Division as amended from time to time, and includes all referenced policies of Canoe Kayak Canada except as specifically identified in the Atlantic Division Policies text
- b. "Division" means the Atlantic Division, CanoeKayak Canada (ADCKC).
- c. "Association" means [Canoe Kayak Canada](#), the national sport organization.
- d. "Person" defines an individual.
- e. "Club" includes a body corporate, corporation, company, partnership, syndicate, trust or aggregate of persons.
- f. Singular includes the plural, and the plural includes the singular.
- g. Masculine gender includes the feminine and the neuter.
- h. "Sanctioned" includes only those events, team selections and competitions that have been specifically identified and approved by the Division Executive

## 1.3. Operation

The policies in this document, where necessary, are supplemented by procedures that provide descriptive details and values that may be adjusted from time to time. Where this applies, the policy text will be highlighted as a hyperlink. For simplicity of use, the reader can be immediately taken to the relevant procedure by clicking on the hyperlink.

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# 2. Participation

## 2.1. General

To enable the Division and the Association to operate in an organized, effective manner and to advance their ideals for the benefit of the membership, all Clubs and their participating members must be formally registered with the Division and Association prior to being permitted to participate in Division or Association sanctioned events, competitions, team selection or travel.

## 2.2. Registration

The registration will be performed by Club registrars utilizing the Association's [electronic registration membership program](#), and will be used by the Division registrar to validate the registration of every participant prior to that person being permitted to enter any sanctioned event.

The Division Registrar shall present the Association's registration deadline at the Semi-Annual General Meeting of the Division. This date will be the deadline for acceptance to the National Championships qualifying regatta. After the deadline, posted late registration fees will apply.

The Club registrar must be able to provide official proof of the age of a paddler, to the satisfaction of the Division Registrar, in the event of an age-based dispute.

The Provincial and National funding tools used by the Division and Association are strongly influenced by the number of registered participants. This includes the General membership, persons who do not necessarily participate on the water but are associated with the sport by providing volunteer services, use the Club facilities for swimming, promotional events, fundraising events and any other form of usage. The Division strongly encourages the Club's registrar to utilize the Association's [electronic registration membership program](#) to enter the names of the General membership as it ultimately benefits all members.

## **2.3. Fees**

In order for the Association and Division to provide services to the membership, acquire equipment necessary to operate regattas, develop programs that advance the sport and target areas in the sport that need support, a fee structure will be maintained.

Fees will be levied for Club membership and individual membership as determined from time to time and published by the Association and Division.

These fees must be submitted by the Club to the Division by the published dates shown in the procedures, [fees section](#), in order for the Club or member to be deemed in good standing and allow participation and voting privileges.

The Division will generate and deliver a statement for each member Club prior to the Canadian National Championships summarizing the account status. This invoice must be paid in full by Clubs by the Divisions deadline. Amounts owing to the Division after this date will place the Club out of good standing and will exclude the Club from participating in sanctioned events and voting at either the Division or Association Annual and Semi-Annual General Meetings until the outstanding amounts are submitted.

## **2.4 Club Membership**

Clubs, groups, organizations or persons who are interested in fostering and promoting the sport of amateur canoeing, who meet the requirements of membership outlined in the Canoe Kayak Canada By-Laws (see Appendix 3).

Any such Club may be admitted to membership in the Association if application in writing, endorsed by two member Clubs of the Division, is delivered to the Flag Officer, and subject to approval of a majority vote by existing member clubs.

Any such Club must submit a satisfactory Club Checklist and all documentation prior to receiving an endorsement from the Flag Officer.

The entity applying for club status must identify the proposed location fully. Further, an existing club wishing to relocate to a location (other than temporary re-location due to emergency) must apply again for status within the ADCKC (the need for the endorsement of two existing clubs will be waived). A demographic analysis will be conducted.

If a club application does not get approved the applicant must wait one year prior to re-applying.

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# **3. Athlete Movement**

## **3.1. General**

The Division recognizes that athlete movement between Clubs is a multi-faceted issue in that the movement affects the membership of the losing and gaining Clubs, coaches, administrators and families, and also has implications for competition eligibility.

The Division policy for athlete movement is directed at avoiding errors of omission or commission that would potentially disrupt the ability of the athlete to participate in competition or cause undue harm to the losing Club.

## **3.2. Movement Criteria**

Athlete movement shall be athlete initiated. Any unethical behaviour by a Club, coach, or their agents to solicit other Club's athletes may be brought to the Division Discipline Committee that has the right to recommend sanctions to be applied by the Division Executive.

The losing Club must be notified in writing by the gaining Club so that the losing Club can ensure the athlete has no remaining liabilities and can acknowledge to the gaining Club that the athlete is clear to move. The Division Registrar will not accept the registration of a moving athlete who has not been granted [a release](#) by the losing Club. Upon notification of an athlete requesting a transfer, the losing club must respond to the division registrar within 72 hours of notification or the transfer will be approved.

## **3.3. Eligibility to Compete**

Athletes are immediately able to race for the gaining Club upon successful completion of the transfer

The Association rules require that a participant in the National Championships must have been registered with a member Club a minimum of 30 days prior to the commencement of the National Championships.

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# **4. PRIVACY**

## **4.1. General**

In the course of providing our programs and services, the Division may collect personal information. The Division considers "Personal Information" to mean any information, recorded in any form, about an identified individual or an individual whose identity may be inferred or determined from such information, other than business contact information (e.g. name, title, business address). This Policy does not cover aggregated data from which the identity of an

individual cannot be determined.

The Division commits to ensure that the personal information obtained during the course of operational activities remains accurate and confidential. In order to provide this service, and as a member Division of the Association (Canoe Kayak Canada), the Division will follow the [Association's published Privacy Policy](#).

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## 5. REGATTAS

### 5.1. General

The Division supports the promotion and advancement of the sport through structured participatory and competitive paddling regattas organized to follow the principles of **Canadian Sport for Life** and the Long-Term Athlete Development (LTAD) model.

The Division will compile and publish a calendar of regattas for the coming racing season and present this calendar to the member clubs for a vote of acceptance prior to March 1<sup>st</sup>. Only the regattas presented by the Division shall be sanctioned.

The Division will provide material and logistical support to undertake the sanctioned regattas in a safe and fair manner, and will attempt to ensure that at least two (2) regattas for each level of age group and discipline are provided each season.

The Authority for the logistical operation of the regatta, other than officiating, is the Paddling Committee led by the Paddling Chair.

Division regattas will be governed by the Association's published [Sprint Racing Discipline Competition Rules](#) and the [Transport Canada Safe Boating Guide](#) except as identified in the Division policies as follows.

### 5.2. Draw Entries

All clubs wishing to participate in a regatta must have entries submitted to the Division by the deadline communicated by the Division. The Division will only accept electronic submission of entries.

**Entries submitted after the deadline will be placed in the regatta only after payment of a penalty fee of \$5.00 for each additional entry. Late entries will only be made into available open lanes.**

A member Club may not place entries from or for another member Club unless the Division has been notified in writing of a partnership between Clubs prior to the regatta entries being submitted.

First and last names must appear on entry lists for the crews in every event. Nicknames will not be accepted. Entries made simply as the club name will not be accepted.

Competitors at U13 and U15 regattas may be entered in a maximum of six events. Competitors of U17,



U19, Junior, Senior and Masters age may be entered in a maximum of eight events. Once the regatta is underway no additional entries will be accepted. Name changes and scratches will be permitted.

In any U15/U13 Regatta, a competitor may enter in ONE age class in singles events in a discipline. A competitor may race 'up', but then not down in their original age class in singles in the same regatta, in a discipline. Where the schedule splits regattas (U15 #1, U13 #1 and U15 #2, U13#2) they will be considered as single regattas for the purpose of this policy. This policy does not apply to team boats.

### **5.3. Officials**

The Division is committed to providing the highest possible quality of officiating at all regattas and races. The Chairperson of the Official's Committee is responsible for the appointment and placement of all officials for Division regattas and races. He/she shall ensure a full complement of officials is available for, and notified of, the time and place of the regatta or race at which they are required to officiate. Wherever and whenever possible, the Chief Official and all key positions shall be filled by nationally accredited officials. Once the regatta has started, the Chief Official is the authority for all racing related issues.

## 5.4. Safety Boats

Safety boats for sanctioned regattas are provided through contracted services by the Division. For events held away from Lake Banook, it is the responsibility of the host Club to supply one safety boat with standard boat safety equipment and sufficient fuel to remain on the water during all events.

The Paddling Committee is responsible for overseeing that all required regatta safety assets are available during the regatta.

The number of safety boats on the water during competition is based on the requirements of the regatta.

It is the responsibility of the safety boat operator and pick up person to be fully attentive to the racing in their area of the course at all times to allow the quickest response possible to a capsized crew.

The Division will publish a Safety Boat Schedule naming Clubs responsible to supply volunteers for each sanctioned regatta prior to March 1st.

Once the safety boat schedule has been accepted, should the Club responsible for providing safety boat volunteer(s) not comply, the Division will invoice the Club for double the additional staff cost.

If a club wishes to opt out of the safety boat schedule, they may instead choose to be invoiced for their scheduled positions (other than U11 events) at \$125 per placement. Opting out of a scheduled safety boat position must be done by the entry deadline for that regatta to avoid penalties as outlined above.

## 5.5. Back Numbers

Back/body numbers are required to be worn for all C4, IC4 and C15 crews in ALL ADCKC Regattas

## 5.6. Boat Numbers

All boats, except C15, shall be fitted with rigid card boat numbers identifying the lane drawn for the race on the rear decks.

Boat numbers shall be affixed to the boat in a manner that does not visibly obstruct the number on either side of the number card from any above deck angle.

C15s shall be affixed with bow numbers, supplied by the ADCKC.

## 5.7. Club Representatives (Scratch) Meeting

The Club Representatives (Scratch) meeting is held to allow corrections and adjustments to the entries for the regatta, permit the Chief Official to inform the Club representatives of conditions and rules for the regatta and allow the Paddling Committee to inform the meeting of regatta format, logistical and material issues.

The meeting will be held at a time determined by the Paddling Committee.

Personnel required at the meeting are:

- Chief Official
- Paddling Committee Member
- Member Clubs coaches or representatives
- Division's Event Coordinator

All other officials for the regatta are welcome to attend.

While it is expected that changes to a clubs entries will be submitted electronically by noon on the day of the meeting, Scratches, post entries, and name changes will be permitted at the meeting. Entries made at the club representatives meeting will be placed in the regatta and the club invoiced a fee of \$5.00 for each additional entry. Post entries will only be made into available open lanes be placed in the regatta ne h..

## 5.8. Regatta Cancellation

The cancellation of a sanctioned regatta is considered a serious matter as it generally involves ensuring the safety of the participants and on water officials. Cancellation can be categorized as reactive or pre-emptive and will be used as a last resort after exhausting all other possibilities such as temporary postponement.

Reactive cancellation will occur when conditions unexpectedly deteriorate immediately before or during a regatta to the point where continuing the regatta would be dangerous. This includes high winds, lightning events and any unexpected decrease in safety boat availability below what is deemed appropriate for the regatta. This decision is the responsibility of the Chief Official in consultation with the Vice Flag Officer of the regatta age group.

Pre-emptive cancellation will occur when severe weather events are predicted or safety boat or equipment deficiencies are known that will logically prevent a safe regatta taking place.

Weather conditions will typically be known well in advance of the regatta by way of published weather warnings and storm advisories. This decision is the responsibility of the Paddling Committee in consultation with the Chief Official.

## 5.9. Regatta Hosting

The Division encourages Clubs located away from Lake Banook to host regattas to showcase the sport in their communities and therefore advertise the Club to potential new participants, sponsors and community groups.

In order for the Club to host a regatta, it must apply, with the requested age group and date, on or before February 1st in the year of the requested regatta to ensure entry on the regatta calendar. The Club must also agree in writing to meet the equipment and safety requirements to ensure the regatta is to a

satisfactory standard. The regatta authority, other than for officiating, is the Vice Flag Officer responsible for the regatta's age group.

It is the intention of the Division that a Club hosting a regatta away from Lake Banook does not incur costs that would normally be undertaken by the Division, therefore regatta hosting expense reimbursement to a capped amount is available from the Division to the Club hosting the regatta. These expenses will be reimbursed based on submission of applicable costs with receipts. Not to exceed the maximum reimbursement communicated by the Division in the:

[Regatta Hosting Agreement](#)

[U11 Hosting Agreement "Hosting Procedure/Contract" document.](#)

It is the responsibility of the hosting Club to present expenses to the Division in a timely manner.

## 5.10. Protests

A protest must be lodged with the Chief Official with the protest **fee as** determined by the Division and according to the protest procedure (hyperlink to the protest procedure and protest form). The protest outcome will be the responsibility of the Competition Committee.

A Competition Committee made up of the Chief Official, Competition Secretary and the Chief Finish Line Judge shall adjudicate all protests, during a regatta or race, of the Sprint Racing Discipline Competition Rules of Canoe Kayak Canada and/or the Policies and Procedures of the Atlantic Division. Before any decision is made regarding a protest of the rules, the Competition Committee shall hear the opinion of the referee who controlled the race in which the alleged infraction occurred and shall also seek the opinion of other race officials. The Competition Committee may make recommendations to the Division, including but not limited to, the disqualification of a competitor(s) or a member Club(s) from future events.

## 5.11. CKC Nationals Qualifying

A crew in the CKC Qualifying regatta who starts a race or is disqualified prior to the start and subsequently fails to secure a qualifying position is entitled to seek redress at the Post-Qualifying Meeting. Petitions for 'race-off' will not be entertained, and requests will be limited to:

- 1. A non-qualifying crew may request of a qualifying crew that they voluntarily cede their entry. A ceded entry would fall to the next positioned crew in the results as though the entry were simply refused, but may instead be re-assigned to a particular crew subject to the agreement of 75% the voting representatives present at the meeting (fractions rounded up). A crew that voluntarily gives up an entry may decide to hold a random draw position with that position determined at the discretion of the meeting.**
- 2. A non-qualifying crew may request a more favourable position in the list of ADCKC entries submitted for random draw consideration. This request is subject to agreement of 75% the voting representatives present at the meeting (fractions rounded up).**

*Crew composition: For Singles, Doubles, and Fours, a crew requesting redress has the potential to deny an entry to a crew that they lost to in the qualifying regatta. If the request is granted, the composition of the challenging crew may not be changed. Violations may be referred to the ADCKC discipline Committee*

## **5.12. BYE Policy**

The following policy applies to athletes requesting a “bye” for the Atlantic Division Qualifying regatta: A “Bye” is not a Direct Entry.

- Athlete(s) must be attending a National or International canoe sprint paddling competition or training camp. Athletes on National Team assignments will be eligible for automatic entry into the National Championships in singles and doubles and in any crew where those athletes requesting the bye comprise 50% of the crew, and will be placed in appropriate events prior to the qualifying regatta. Athletes who are named as partners of “bye” athletes are not themselves considered to have been granted “byes” under this policy.
- Requests for "byes" are to be made at the time of entry by adding the suffix ‘BYE’ in the online, or written entry submission. No new “bye” entries made be made following the completion of the event UNLESS there are still qualifying positions available in that event. A “bye” maybe declined at any time before the ADCKC entries become final, but may not be declined (scratched) once ADCKC entries become final.\*
- “Bye”`requests by ICF Junior class athletes may be granted only up to and including the U19 age class. ICF Senior class athletes may request byes in any class for which they are eligible. (U19 and higher)
- When a bye is granted, the athlete(s) granted the bye MUST remain in the crew and may not be removed from the crew following the granting of the bye.\* (example: Should two bye athletes request byes in a tandem race in two different crews, they may not later be combined into a single crew. The partners may still be changed.) Violations may be referred to the ADCKC discipline Committee.
- An athlete who receives a “bye” shall not compete in any event at the Qualifying regatta. Doing so voids all “bye” requests for that athlete.
- Should the number of “bye” requests exceed the number of qualifying positions available in the event, the “bye” requests will be ranked and awarded using the rank position as determined by the CKC High Performance committee using the results of the most recent National Team Trials.
- Partner(s) of athlete(s) receiving a “bye” shall not compete in the “bye” race, although it shall count toward their maximum race limit.
- A two-thirds majority of voting members shall be required to make exceptions to the "Bye" policy

*\* Exception may be made for extenuating circumstances, subject to approval of the ADCKC at the CKC National Championships.*

## 5.13. ADCKC / Provincial Team

Targeted resources of the Division will be directed to enhance the training opportunities for targeted age groups that are approaching the threshold of National team selection, Canada Games selection or in a discipline considered strategically important. As these priorities are dynamic on a year by year basis, selection criteria will be identified as procedures ([ADCKC / Provincial Team Selection Criteria](#)).

The Authority for the selection operations, logistical operations and recommendation of the Atlantic Team members to the Division Executive is the Chair of Paddling with the assistance of the Regional Coach and High Performance Committee.

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## 6. SAFETY

The goal of the Division safety policy is to ensure the safety of participants at all times when on the water or while participating in training or travel to and from events, whether athletes, officials, safety or support personnel. The Division operates the safety program in accordance the Association's [Sprint Code of Safety](#) and [Transport Canada Office of Boating Safety](#) with a special exception under the [Canadian Shipping Act, small vessels regulations for sprint canoes and kayaks](#).

The Division has produced a short form [poster \(requires updating\)](#) that states Division policy and has requirements that are in addition to the documents cited above. The poster is made available to all Clubs in a laminated form on request. In addition, the following applies.

The age of majority in Nova Scotia and Newfoundland and Labrador is 19 years and therefore for these provinces overrides any referenced document that states a younger age.

The Division requires that all officials, safety or support personnel and volunteers at Division events wear Division supplied PFDs at all times when on the water. Officials and safety boat personnel must operate by the safety standards defined in the responsibilities of Officials procedures ([hyperlink to Responsibility of Officials procedure](#)) and responsibilities of Boat Drivers procedure respectively.

Cold water conditions, defined as water under 8 degrees centigrade, require extended safety precautions. In addition to standard requirement outlined in the special exception, small vessels regulations for sprint canoes and kayaks, athletes, coaches and on water personnel are expected to comply with the Cold Water Conditions & Guidelines with Division requirements and age of majority as stated above. **In Cold Water conditions, ALL paddlers must wear an approved PFD while on water in training, or participating in the programs of the ADCKC or its member clubs.**

Severe weather conditions, defined as very high winds, very heavy rain or lightning events require special attention by all persons on the water. Under these conditions all boats are expected to keep in a group, close to shore, and in the case of thunder repeating within 30 seconds, follow the 30/30 rule, move to the shore and seek shelter once you count 30 seconds or fewer between lightning and thunder. Remain sheltered for 30 minutes after the last thunder. More detailed severe weather procedures are found under the Severe Weather Regulations procedure.

Regardless of weather conditions, U11 paddlers must wear an approved PFD at all times while on water in training, or participating in the programs of the ADCKC or its member clubs. U13 and U15 paddlers must wear a floatation device as deemed appropriate by the ADCKC – at a minimum, a commercially available lifebelt in good condition - at all times while on water in training, or participating in the programs of the ADCKC or its member clubs. Any paddler, of any age, who is unable to prove swimming proficiency as required under the Canoe Kayak Canada Code of Safety must wear a PFD at all times while on water in training, or participating in the programs of the ADCKC or its member clubs.

## 6.1. Disciplinary Measures

It is the responsibility of the athlete, coach, Club and Division to ensure compliance with the safety policies. Non-compliance can result in the Division undertaking disciplinary action. ([hyperlink to Discipline Policy](#))

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# 7. RECOGNITION

The Division will maintain a structure that will provide recognition for the achievements and involvement of the membership at all levels.

Each year the Division will host an Athlete Awards Night to properly acknowledge all achievements.

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# 8. DONATIONS

The Division is a non-profit organization that receives its operating funds from the Division Clubs, membership, the Association, Municipal and Regional organizations and government. The mandate of the Division is to promote, foster, and perpetuate canoe and kayak sprint racing through the responsible use of the operating funds.

The Division does not permit the use of Division funds for discretionary monetary donations for personal, political or business purposes, either to the membership or arms length organizations.

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## **9. SPONSORSHIP**

The Division may pursue sponsorship to assist in furthering the aims of the organization both from a monetary and a value in kind basis. It may be desirable that the sponsors be identified with the sport's values of fair and equitable competition and healthy lifestyle.

The Division will not pursue sponsorship for individual athletes but may assist in verifying the athlete's sport facts and details needed for the sponsor once written permission from the athlete is obtained.

Individual athletes are free to pursue their own sponsors, but the Division encourages the athlete to respect the sport's values. However, the athlete may not imply, state or give permission to the sponsor to use the Division name or trademarks in its business dealings or advertising.

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## **10. FAIR PLAY AND HARASSMENT**

### **10.1. Fundamental Principle of the Freedom to Participate**

The Executive, Clubs, and their employees and volunteers are committed to the fundamental principle of the freedom to participate in the sport of canoe/kayak sprint racing. This principle is founded on the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family. It is also based on the realization that the best interests of our sport as well as every individual who wishes to be involved whether it be as an athlete, coach, official, volunteer or administrator are served when all persons feel welcome and comfortable in realizing their personal goals within our organization.

### **10.2. Realization of the Principle of Freedom to Participate**

Freedom to participate requires that there be no real or perceived form of discrimination based on gender, race, colour, creed, religion, marital status, sexual orientation, family status, ethnic, national or aboriginal origin, age, or physical or mental disability, source of income, political belief, affiliation or activity, irrational fear of contracting an illness or disease, or association with others who are members of these groups.



### **10.3. Principle of Honouring Sport**

The principle of honouring sport challenges coaches, athletes, parents, spectators, volunteers and administrators to recognize and promote the value of sport for individuals, teams, the community and society in general. Honouring sport implies that all those involved have a duty of care including coaches, parents, officials, volunteers and administrators.

### **10.4. Discrimination**

Discrimination occurs whenever a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, that has the effect of imposing burdens, obligations, or disadvantages on an individual or a class of individuals not imposed on others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. Any practice associated with our sport that endangers an individual's involvement, negatively affects performance or undermines a sense of personal dignity and which is based on the characteristics of an individual identified above shall not be tolerated.

### **10.5. Harassment**

In any activity associated with our sport, any form of harassment based on the characteristics of the individual identified above shall not be tolerated. Harassment is a form of discrimination and includes any action, communication or behaviour of an objectionable nature that is known, or ought to be known, to be unwelcome and which creates an intimidating, demeaning or offensive environment in which the freedom to participate is denied or not extended to individuals on an equal basis. Harassment is particularly relevant where there exists a power relationship between individuals resulting in an individual being in a position to reward, deny benefits or take reprisal action against another individual.

### **10.6. Special Needs**

Every reasonable attempt shall be made to accommodate individuals with special needs to enable them to participate in safety and compete among their peers on an equal basis. Any discrimination is contrary to the principle of freedom to participate unless it can be clearly demonstrated to be inconsistent with the inherent safety requirements and established rules of competition governing the sport and no reasonable accommodation is possible.

## 10.7. Gender Identification

While the competitive categories of the ADCKC are defined by binary Male/Female expression, the Atlantic Division advocates for fair and inclusive participation for athletes who may identify outside their physical sex at birth:

- A female athlete who identifies as male may participate and compete in classes designated as “Mens’ without undergoing gender reassignment, or hormone therapy, but may not then also participate in female competitive classes. For Mixed Gender classes, a Female identifying as male will be counted in the crew composition, as Male.

- A male athlete who identifies as female may participate and compete in classes designated as “Womens’, without undergoing gender reassignment or hormone therapy up until their level of competition dictates that National or International rules would apply, but may not then also participate in Male competitive classes. For Mixed Gender classes, a Male identifying as Female will be counted in the crew composition as Female.

These guidelines have been developed to allow inclusive participation within the Atlantic Division, but may not reflect National, or International limitations that are beyond ADCKC control.

**Individuals are not required to disclose their transgender identity or history to the ADCKC in order to participate sport unless there is a justified reason requiring them to do so (such as International Federation rules becoming a factor in the Train to Compete and Train to Win stages of the [LTAD](#) model). However; determinations on Gender Identification are in effect on a seasonal basis as the athlete has knowingly registered their gender, and cannot be changed on an event-to-event basis.**

## 10.8. Awareness

The Executive of the Atlantic Division shall ensure that all Clubs are made aware of this policy. Clubs shall ensure that all employees and volunteers are made aware of the policy. The policy will be publicized in recruiting literature and member information materials. The Executive and Clubs shall take a proactive role in ensuring that the policy is an integral part of our operating practices.

## 10.9. Complaints

In the event that any person feels that they have been subject to any decision, action or other behaviour, which diminishes their ability to participate, they shall have the right to seek redress through a complaint to the Executive of the Club. Should the complaint concern a matter that cannot be addressed by the Club or the complaint has not been satisfactorily resolved at the Club organization level, the individual shall have the right to forward the complaint to the Executive of the Division. The Executive of the Division will do all that is within its power to ensure that a complaint is fairly assessed and effectively resolved.

## 10.10. Prohibited Conduct

The ADCKC has adopted into its governing policies, the Canadian Policy on Prohibited Conduct in Sport, and the Code for Prohibited Conduct in Sport. These documents were created, and are regularly reviewed, by the Canadian Centre for Ethics in Sport (CCES) and are meant to create a floor, below which conduct must never fall. ADCKC has registered the adoption of these policies with the CCES.

The Policy provides the basis for the Code for Prohibited Conduct in Sport (the Code). The Code consists of expressly prohibited conduct and demands a procedurally fair adjudication process for the organizations and their affiliated members who are responsible for administering it, and for their respective members and participants who are bound by it.

The Code may apply to discipline an individual for his or her conduct if that individual acted in the role of coach, official, volunteer or administrator and was during that time properly inside the jurisdiction of the Policy and the Code.

The fact a person is not acting in the role of a coach, official, volunteer or administrator when a complaint regarding his or her previous conduct is brought forward is not a bar to proceeding pursuant to the Code.

Prohibited Conduct under The Code includes:

- Sexual Relations
- Sexual Misconduct
- Driving while impaired
- Criminal Convictions
- Deliberate Cheating
- Bribery
- Concealment of Code Violations

The Policies and a reporting link can be found on the [ADCKC.CA](#) documents page, and by direct link: [HERE](#)

## 10.11. Privacy

Respect for the privacy of the parties involved in any complaint shall be maintained at all times to the extent possible. The Division will follow the procedures as described in the National Canoe Kayak Canada Privacy Policy.

# 11. APPEALS

## 11.1. General

In this Policy members refers to all categories of members of the Atlantic Division-CanoeKayak Canada (ADCKC), as well as to all individuals engaged in activities with or employed by ADCKC, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel) all of whom are hereinafter referred to as “member” in the singular and “members” in the plural; “Appellant” refers to the member appealing a decision; and “Respondent” refers to the individual or body whose decision is being appealed.

In this Policy “days” shall refer to business days only and does not include weekends or holidays.

The authority for the appeals process is the Division Flag Officer, and the detailed procedures and form are located under Appeals Procedure. ([hyperlink to Appeals Procedure](#))

## 11.2. Scope of Appeal

Any member of ADCKC who is directly affected by a decision of the High-Performance Committee, of any Committee of the ADCKC, or of anybody or individual who has been delegated or given authority to make decisions on behalf of the ADCKC, or on behalf of any Committee thereof, or otherwise as part of the operations and activities of the ADCKC, shall have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 11.4 of this Policy.

This Policy shall not apply to:

- a. matters relating to entries, decisions of on-water and off-water officials and decisions of the Competition Committee at or in relation to trials for national team and international competition; provided that this policy does apply to a decision of the Competition Committee that is made without authority or jurisdiction to do so;
- b. matters relating to competitions in Canada but not governed by the ADCKC, such as the Olympic Games, Pan American Games, World Championships and similar events governed by other international organizations;
- c. matters relating to the Canadian Sprint Canoe National Championships which has its own appeal procedures;

- d. matters relating to the substance, content and establishment of National (includes all tours, events, training camps, Games or event teams, at both the junior and senior level as per the ICF rules) Team selection criteria (includes criteria used to select team members and criteria used to select who will be the actual entries at events and who will make up the crew boats at events) which may not be appealed;
- e. matters that are decided by and within the jurisdiction of the general membership of the ADCKC such as enactment of an amendment to repeal of the ADCKC bylaws, policies and procedures and enactment of an amendment to or repeal of competition rules as they are applied to ADCKC competitions;
- f. matters of employment unless otherwise stated;
- g. matters of budgeting and budget implementation;
- h. matters of operational structure and staffing.

### **11.3. Timing of Appeal**

Members who wish to appeal a decision shall have 10 days from the date on which they received notice of the decision, to deliver written Notice of Appeal on the attached Notice of Appeal (or similar) form to the Flag Officer of the ADCKC.

Each Notice of Appeal must be accompanied by a \$150.00 deposit (certified cheque or money order payable to Atlantic Division – CanoeKayak Canada), refundable in the case of a successful appeal.

Notices may be delivered in person to the Flag Officer of the ADCKC, or delivered by fax, courier, special delivery or in person to the ADCKC Office. Please note that a Notice of Appeal is not delivered until it is received personally by the Flag Officer or arrives at the ADCKC Office.

Any party wishing to initiate an appeal beyond the 10-day period must provide a written request stating reasons for an exemption to the requirement of Section 3. The decision to allow, or not allow an appeal outside the 10-day period shall be at the sole discretion of the Flag Officer of the ADCKC or his or her designate.

### **11.4. Grounds for Appeal**

A decision cannot be appealed on its merits alone. An appeal may be heard only if the appeal on its face discloses sufficient grounds for the appeal. In order for an appeal to demonstrate sufficient grounds for appeal, it must allege that the respondent did one or more of the following:

- a. made a decision for which it did not have authority or jurisdiction as set out in

ADCKC governing documents;

b. failed to follow procedures as laid out in the bylaws or approved policies of the Flag Officer of the ADCKC;

c. failed to follow ADCKC bylaws or approved policies and procedures of the ADCKC;

d. made a decision which was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views;

e. exercised its discretion for an improper purpose;

f. made a decision for which there is no supporting evidence;

g. failed to make its decision in accordance with criteria and/or principles established and approved by the appropriate body for the purpose of the decision in question;

h. made a decision which was unreasonable having regard to the terms of reference or criteria upon which the decision was to be made.

With respect to grounds of appeal bullet d and g above, the appellant must establish he or she was prejudiced because of the matter complained of under that ground of appeal, or the matter complained of had, or may reasonably have had, or had it been known by the decision maker may reasonably have had, a material effect on the decision maker whose decision is under appeal.

With respect to ground of appeal h, the appellant must establish that the decision under appeal was not made within the range of possible reasonable decisions on the matter under appeal, and the Appeals Panel shall dismiss the appeal if it is satisfied that the appellant has failed to demonstrate that the decision under appeal was outside of the range of reasonable decisions that may have been made by the decision maker.

## **11.5. Administration of Appeal**

Appeals shall be administered by the ADCKC under the direction of the Flag Officer. Administration of the appeal(s) may be contracted by the Flag Officer of the ADCKC to an outside source, or agency, and in the event that it is, the duties and functions of the Flag Officer or of the ADCKC as set forth herein will be carried out by such person or agency.

Where two or more Notices of Appeal have been delivered and it appears to the Flag Officer of the ADCKC (or other person named to direct the administration of the appeals, if such be the case) that:

a. they have questions of interpretation or factual bases in common;

b. the appeals arise out of the same circumstance or decision or decision-making process;

or

c. for any other reason there is sufficient commonality between or among the appeals that the appeals ought to be heard together,

The Flag Officer (or other person named by the Chairperson to direct the administration of the appeals, if such be the case) may determine and so advise the appellants that the appeals will be heard together by the one and same Appeals Panel and in that event the appeals shall be heard in that manner and dealt with as if one appeal. If it should be required that an Appeal Panel member be named or recommended by the appellants in this circumstance the appellants shall decide between or among themselves on a person to be named or recommended. If they cannot agree, each appellant shall be given the opportunity to name or recommend a person and the Flag Officer (or other person directing the administration of the appeals, if such be the case) shall draw at random from a lot of all those named or recommended one name who shall thereupon be the named or recommended person of the appellants. The same procedure shall apply to the respondents if applicable.

Should an appellant or a respondent dispute the determination to have an appeal heard together with another or other appeals, the appellant's or respondent's only recourse shall be to raise the matter as a preliminary objection with the Appeals Panel and the Appeals Panel shall either allow or disallow the objection and provide appropriate directions so that the appellant's appeal can be otherwise heard in the event that the Appeals Panel allows the objection.

## **11.6. Location and Jurisdiction**

Any appeal shall take place in the municipality where the Office of the Atlantic Division-CanoeKayak Canada is located, unless held by way of telephone conference call or held elsewhere as may be decided by the Panel as a preliminary matter.

This Policy shall be governed and construed in accordance with the laws of the Province of Nova Scotia.

No action or legal proceeding shall be commenced against ADCKC in respect of a dispute, unless ADCKC has refused or failed to abide by the provisions for appeal and/or arbitration of the dispute, as set out in this Policy.

## **12. CRIMINAL BACKGROUND CHECK / VULNERABLE SECTOR CHECK**

### **12.1 Definitions:**

*A **Criminal Record Check** is a name-based search of the national repository of criminal convictions and a search of locally held convictions through the local Police.*

*A **Vulnerable Sector Check** is a special type of criminal record check required for*

*situations where the applicant will be in a position of trust or authority over children, the elderly, the disabled, or another vulnerable group. A vulnerable sector check involves a name-based search of the national repository of criminal convictions, a search of locally held through the local Police and a query of the pardoned sex offender database.*

A **Position of trust** is understood as a paid or volunteer position with one or more of the following responsibilities:

**Accesses to vulnerable populations** – Responsibilities require unsupervised or significant access to vulnerable populations, defined as minors and medical patients. For purposes of this policy, a minor is a person under the age of eighteen (18) who is a member or participant with a Club.

**Property access** – Responsibilities requires the use of master keys or security access and pertains to employees or volunteers with access to offices, facilities, or worksites.

**Financial/fiduciary duty** – Principal responsibilities (50% or more) require handling, receiving, or having custody of money, checks or securities, or accounting for supplies or other property; authorizing (or making appropriations for) expenditures; approving, certifying, signing or countersigning checks, drafts, warrants, vouchers, orders or other documents providing for the paying over or delivery of money, securities, supplies or other property, or service of process; maintaining or auditing accounts of money, checks, securities, time records, supplies, or other property, or taking physical inventories of money, checks, securities, supplies, or other property.

**Executive positions** – Executive positions are defined as all limited appointments and include any movement from a limited appointment to a different limited appointment. These include elected positions within the Clubs, or the Division.

## 12.2 General

It is the policy of the ADCKC that all coaches, trainers, managers, officials, and others who will act in a position of trust, whether in the paid employ of the Division or a member club, or a volunteer shall be subject to certain Criminal Record Checks which includes Vulnerable Sector and Sex Offender Registry Checks if over 18 years of age. Individuals with outstanding Criminal Code convictions or charges pending for certain offences may not be eligible to hold the above positions or other positions as determined by the ADCKC or member club.

***A Criminal Records check is required for all positions as identified by the policy.***

***A vulnerable sector check is required by all persons whose position of trust or authority is over children, the elderly, the disabled, or another vulnerable group.***

Every Club and the Division shall each appoint a professional designate for criminal records checks.



Criminal Records checks, and Vulnerability checks will be shown to the professional designate responsible, but will be retained by the individual who obtained the check(s).

It is the responsibility of any person required to produce a Criminal Record Check by virtue of this policy to advise their professional designate responsible for criminal record checks of any charge or conviction subsequent to receiving their Criminal Records or Vulnerability Sector Check.

Member clubs are required to provide to the Division Professional Designate, annual written confirmation that the relevant record checks have been completed for any personnel to whom this policy applies.

Individuals applying for record checks are responsible for any payments required for such checks, unless agreed otherwise with their club.