



Definitions – Safe Sport

Terms in this policy 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) **Affiliate or Corporate Members** – refers to any entity or organization who is a member defined in Article 3.02 and 3.03 of the by-laws of OBA who are subject to the policies, rules and regulations of OBA.
- c) **Appeal Manager** – an individual, who may be any staff member, committee member, volunteer, director, or an Independent Third Party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*.
- d) **Appellant** – the party appealing a decision
- e) **Athlete** – an individual who is an athlete participant in OBA who is subject to the policies of OBA and to the *Code of Conduct and Ethics* and other conduct standards
- f) **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 sports competition
- g) **Bullying** – offensive behaviour and/or abusive treatment of an Organizational Participant that typically, but not always, involves an abuse of power
- h) **Canadian Anti-Doping Program (CADP)** – The CADP is a set of rules that govern doping control in Canada. The CADP can be viewed [here](#). The 2021 CADP came into effect on January 1, 2021.
- i) **Canadian Centre for Ethics in Sport (CCES)** – The CCES is an independent, national, not-for-profit organization responsible for administering Canada’s Anti-Doping Program and the World Anti-Doping Code in Canada.
- j) **Commercial Activity** – any particular transaction, act or conduct that is of a commercial character
- k) **Complainant** – an Organizational Participant 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 OBA’s policies, by-laws, rules or regulations, or the UCCMS
- l) **Criminal Record Check (CRC)** – a search of the RCMP Canadian Police Information



Centre (CPIC) system for adult convictions

- m) **Days** – calendar days¹
- n) **Director of Sanctions and Outcomes** – responsible for overseeing the imposition of provisional measures, agreed outcomes, sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable)
- o) **Diversity** – the presence and integration of a variety of individuals with different personal characteristics, particularly Under-Represented Groups, in a group or organization
- p) **Enhanced Police Information Check (E-PIC)** – a Criminal Record Check plus a search of Local Police Information
- q) **Equity** – fairness afforded to individuals with diverse personal characteristics regardless of those characteristics.
- r) **Event** – an event sanctioned by OBA or a member, and which may include a social Event.
- s) **External Discipline Panel** – 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 this policy
- t) **Harass or Harassment** – a course of vexatious comments or conduct against an Organizational Participant 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;

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.



- 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.
- u) **Inclusion** – acceptance of individuals with diverse personal characteristics into a group or organization regardless of those characteristics
- v) **Independent Third Party** – the individual retained by OBA to receive reports and complaints, and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy, Investigations Policy and Appeal Policy*, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.
- w) **Commissioner of Fair Play and Resolution** – an individual appointed by OBA at their discretion to decide on complaints that are assessed under Process #1 of this policy or by other policies that designate the Commissioner of Fair Play and Resolution as the individual responsible for disciplinary proceedings. The Commissioner of Fair Play and Resolution may be a director, head coach, staff member, or other individual affiliated with OBA but must not be in a conflict of interest or have a direct relationship with any of the Parties.
- x) **IP Address** – a numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices



- y) **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
- z) **Maltreatment** – as defined in the *UCCMS*
- aa) **Minor**– an individual who is a Participant in OBA who is subject to the policies of OBA and to this *Code* who is under the age of eighteen (18) years old.
- bb) **Organizational Participant(s)** – refers to all categories of individual members and/or registrants defined in the by-laws of OBA who are subject to the policies, rules and regulations of OBA, as well as all persons employed by, contracted by, or engaged in activities with, OBA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, Athlete Support Personnel, managers, administrators, parents or guardians, honourary members, spectators, committee members, or directors and officers
- cc) **OSIC** – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- dd) **Party or Parties** – the individual(s) or organization(s) involved in a dispute
- ee) **Person in Authority** – any Organizational Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, Athlete Support Personnel, chaperones, committee members, or directors and officers
- ff) **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
- gg) **Power Imbalance** – as defined in the *UCCMS*
- hh) **Program Signatory** – an organization who has signed a Program Signatory Agreement with the SDRCC
- ii) **Prohibited Behaviour** – as defined in the *UCCMS*
- jj) **Provisional Suspension** – means that the Organizational Participant is barred temporarily from participating in in any capacity in any Event or activity of OBA and its members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this policy
- kk) **Representatives** – members, directors, officers, committee members, employees, athletes, coaches, officials, sport assistants, managers, trainers, volunteers,



administrators, contractors and participants within Ontario Basketball Association (“OBA”)

- ll) **Respondent** – the Party responding to the complaint
- mm) **SDRCC** - Sport Dispute Resolution Centre of Canada
- nn) **Social Media** – the catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter
- oo) **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.
- pp) **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
- qq) **UCCMS** - *Universal Code of Conduct to prevent and address Maltreatment in Sport*, as amended from time to time by the SDRCC
- rr) **UCCMS Participant** – an individual affiliated with a Program Signatory as designated by the Program Signatory and who has signed the required consent form. UCCMS Participants may include an Athlete, a coach, an official, an Athlete Support Personnel, an employee, a contractual Worker, an administrator, or a volunteer acting on behalf of, or representing the Program Signatory in any capacity.
- ss) **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

- tt) **Vulnerable Participant** or **Vulnerable Organizational Participant** – as defined in the UCCMS
- uu) **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
- vv) **Worker** – any person who performs work for OBA including employees, managers, supervisors, temporary Workers, volunteers, student volunteers, part-time Workers, the Board of Directors, and independent contractor
- ww) **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.
- xx) **Workplace Harassment** – a course of vexatious comment or conduct against an Organizational Participant 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.
- yy) **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
- zz) **World Anti-Doping Agency (WADA)** – an independent, international, not-for-profit organization responsible for administering the World Anti-Doping Code and the promotion of clean sport internationally

World Anti-Doping Code (WADC) – set of rules that govern doping control internationally. The full policy can be viewed [here](#).