The Alberta Universal Code of Conduct ("**AB UCC**") is the core document that sets harmonized rules to be adopted by organizations that utilize the Alberta Safe Sport Complaint Mechanism ("**ABSSCM**"). The Alberta sport sector is committed to a lawful, respectful, and safe sport environment whereby individuals participating in sport in Alberta expect an experience free from maltreatment.

For further information, please contact:

Alberta Sport Leadership Association (ASLA)
Percy Page Centre

11759 Groat Road NW

Edmonton, Alberta T5M 3K6

587-635-4030

General information – admin@absportleadership.ca
https://www.absportleadership.com/

ASLA gratefully acknowledges the support and financial contribution of the Government of Alberta.

Approved: November 10, 2025

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DEFINITIONS

Adopting Organization: An organization that has adopted the current version of the AB UCC (as amended, from time to time).

Applicable Law: means all applicable laws, statutes, regulations, ordinances, codes, rules, orders, and other requirements of any governmental authority having jurisdiction, in force or as may be amended from time to time, that are applicable in the Province of Alberta and, to the extent applicable therein, the laws of Canada.

Boundary Transgressions: Interactions or communications that breach objectively reasonable boundaries and involve inappropriate personal contact or conduct that serve no legitimate sport purpose. See Section 5.7.

Consent: The communicated voluntary agreement to engage in the activity in question, by a person who has the legal capacity to consent. *Consent* regarding sexual activity is assessed in accordance with the laws of Canada, including the *Criminal Code*.

Criminal Code: The Criminal Code of Canada (*Criminal Code*, R.S.C. 1985, c. C-46, as amended).

Disclosure: The sharing of information by a person regarding an incident or a pattern of *Maltreatment* experienced by that person, including a breach of reasonable boundaries. *Disclosure* does not constitute a formal *Report*.

Discrimination: Adverse treatment of an individual based on protected grounds of race, sex, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Discrimination does not include behaviour, policies and/or practices that are rationally connected to legitimate sport objectives, implemented in good faith, and reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the Participant and/or Participating Organization that would have to accommodate those needs, having regard to health, safety, cost, fair competition and legitimate sport objectives. Actions taken in good-faith application and/or enforcement of athlete and/or sport eligibility requirements that are required or permitted by Alberta Applicable Law are deemed legitimate sport objectives. See Section 5.8.

Grooming: Deliberate, predatory and/or patterns of manipulation by a *Participant* comprised of one or several acts that, viewed objectively:

(a) makes it easier to engage in or carry out *Sexual Maltreatment*;

(b) reduces the likelihood that any *Sexual Maltreatment* will be detected or *Reported* or otherwise delays *Reporting*; and/or

(c) normalizes inappropriate behaviour through subtle, gradual, and escalating *Boundary Transgressions.*

See Section 5.6.

Legal Duty to Report: The legal obligation to report potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial legislation.

Maltreatment: A volitional act and/or omission described in Sections 5.2 to 5.6 that results in harm or has the potential for physical or psychological harm.

Minor: An individual who is under the age of 18 years. It is at all times the responsibility of the adult *Participant* to know the age of a *Minor*.

Neglect: Any pattern or a single serious incident of lack of reasonable care, inattention to a *Participant*'s needs, nurturing or well-being, or omissions in care. See Section 5.4.

Participant: Any individual who is subject to the AB UCC. *Participants* may include, without limitation, athletes, coaches, officials, volunteers, administrators, directors, employees, trainers, parents/guardians, etc., according to the policies of the *Adopting Organization*.

Physical Maltreatment: Any pattern or a single serious incident of deliberate conduct, including contact behaviours and non-contact behaviours as outlined in Section 5.3, that has the potential to be materially harmful to a person's physical or psychological well-being. See Section 5.3.

Power Imbalance: A *Power Imbalance* is presumed to exist where a *Participant* has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual *Power Imbalance* exists will be determined based on the totality of the circumstances, considering both objective factors and the reasonable perception of the subordinate *Participant*.

(a) Once a coach-athlete relationship is established, a *Power Imbalance* is presumed to exist throughout the coach-athlete relationship, regardless of the age of the athlete.

(b) Where the coach-athlete relationship began while the athlete was a *Minor*, the *Power Imbalance* is presumed to continue even after the coach-athlete relationship terminates or the athlete reaches the age of majority, until the athlete reaches 25 years of age.

(c) A *Power Imbalance* may exist, but is not presumed, where a sexual or romantic relationship existed between two adult *Participants* before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between Consenting adults that preceded the sport relationship).

(d) A *Power Imbalance* is presumed to exist where the *Participant* and other person are in:

(i) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; or

(ii) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete.

(e) A presumption that *Power Imbalance* exists may be rebutted.

(f) A *Power Imbalance* may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.

(g) Power may be represented by formal authority, age, experience, physical-size difference, or other objective factors that give one person influence over another. A power imbalance shall be assessed on a case-by-case basis.

(h) *Maltreatment* occurs when this power is misused. Moreover, it is recognized that *Vulnerable Participants* have experienced positions of lesser power.

Prohibited Behaviour: Any of the conduct described in Section 5, including but not limited to *Maltreatment*.

Psychological Maltreatment: Any pattern or a single serious incident of deliberate conduct that has the potential to be materially harmful to a person's psychological well-being. See Section 5.2.

Reporting (or Report): The provision of information by a *Participant* or by any person to an independent authority designated by the *Adopting Organization* to receive *Report*s regarding *Prohibited Behaviour*. *Reporting* may occur through either:

(a) the person who experienced the *Prohibited Behaviour*, or

(b) someone who witnessed the *Prohibited Behaviour* or otherwise knows or reasonably believes that *Prohibited Behaviour* or a risk of *Prohibited Behaviour* exists.

Reporting Obligation: The obligation to *Report* possible *Prohibited Behaviour* under the AB UCC. See Section 5.11.

Respondent: A *Participant* who is alleged to have engaged in one or more of the *Prohibited Behaviours* described herein.

Sexual Maltreatment: Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be materially harmful to a person's sexual integrity. See Section 5.5.

Vulnerable Participant: (a) a *Minor*; and/or (b) a *Participant* who lacks decision-making or legal capacity or who is otherwise unable to protect their own interests. *Vulnerable Participant*s include persons who are not able to provide informed *Consent*.

SECTION 1 PURPOSE

1.1 The purpose of the AB UCC is to prevent and address *Maltreatment* and other *Prohibited Behaviours* in sport in Alberta by setting clear, objective rules and responsibilities.

1.2 Individuals should have the reasonable expectation when they participate in sport in Alberta that it will be in an environment that is free from all forms of *Maltreatment* and that treats every individual with dignity and respect. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.

SECTION 2 GENERAL PRINCIPLES AND COMMITMENT

2.1 The AB UCC incorporates key elements of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("**UCCMS**") in place at the national level and outlines expected and prohibited behaviours of conduct in sport in Alberta.

2.2 *Maltreatment* violates the integrity of individual(s) and undermines the principles endorsed by the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation through the Red Deer Declaration for the Prevention of Harassment, Abuse and Discrimination in Sport.

2.3 *Adopting Organizations* that have adopted the present AB UCC are committed to creating a sport, physical activity and/or recreation environment that is free from all forms of *Maltreatment* and that treats all *Participants* with dignity and respect.

2.4 *Maltreatment* is unacceptable and fundamentally incompatible with the core values that lie at the heart of Alberta sport. The commitments expressed below reflect this common understanding amongst *Adopting Organizations* and shall guide the interpretation and application of the AB UCC:

2.4.1 All *Participants* can expect to play, practice, compete, work, volunteer, and interact in an environment free from *Maltreatment*.

2.4.2 All *Participants* recognize that *Maltreatment* can occur regardless of race, sex, gender identity, gender expression, sexual orientation, age, disability, religion, and other characteristics. Moreover, it is recognized that *Vulnerable Participants* have increased vulnerability to experiences of *Maltreatment*.

2.4.3 All *Participants* recognize that people who have experienced *Maltreatment* may experience a range of effects that may emerge at different times and that can profoundly affect their lives.

2.4.4 Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participants* and other sport stakeholders.

2.5 The following principles will guide the determination of *Prohibited Behaviour* and imposition of sanctions:

- Harmonized
- Comprehensive
- Fair
- Evidence-driven
- Independent administration

- Proportionate
- Expert-informed

2.6 Unless the context requires otherwise, references in the AB UCC to “reasonable,” “reasonably,” “reasonableness,” or similar expressions, refers to an objective, context-sensitive test based on what a reasonably informed and prudent person in the same role and circumstances would do or decide at the relevant time.

SECTION 3 OBJECTIVES

3.1 Every *Participant* in sport should strive to:

3.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all *Participants*.

3.1.2 Treat others with respect and dignity.

3.1.3 Demonstrate the spirit of sportsmanship, leadership and ethical conduct.

3.1.4 Demonstrate respect for all *Participants*.

3.1.5 Act to correct or prevent practices that are *Discriminatory*.

3.1.6 Treat individuals fairly and reasonably.

3.1.7 Ensure adherence to the rules of the sport and the spirit of the rules.

3.1.8 *Report* any acts or suspicions of *Maltreatment* or other *Prohibited Behaviours* in good faith.

3.1.9 Foster meaningful inclusion of all individuals.

3.1.10 Identify and engage in conversations that lead to positive behaviour change.

3.1.11 Accept and consider feedback with respect to their own actions and take positive steps to resolve the concerns raised.

3.1.12 Establish, respect and maintain appropriate boundaries with *Participants*.

3.1.13 Ensure all interactions and communications are consistent with the role of the *Participant* in relation to the sport and carried out in a way that is transparent to other *Participants* and promotes the concept of individual accountability.

3.1.14 Monitor their own behaviours and the behaviours of others.

3.1.15 Treat all *Disclosures*, allegations or suspicions of *Maltreatment* seriously.

3.1.16 Abstain from all forms of *Prohibited Behaviours*.

3.2 All *Participants* in a position of trust or authority have a responsibility to:

3.2.1 Protect the health and well-being of other *Participants*.

3.2.2 Prevent or mitigate opportunities for *Maltreatment* and other *Prohibited Behaviours*.

3.2.3 Respond appropriately to incidents of *Maltreatment*.

3.2.4 Implement reasonable measures to identify and address Discriminatory practices.

3.2.5 Respond quickly and effectively to eliminate Discriminatory practices.

3.2.6 Recognize when they are in a position of *Power Imbalance*.

SECTION 4 SCOPE OF APPLICATION

4.1 Individual Subject to and Protected by the AB UCC

The AB UCC applies to all activities and related events organized by or under the authority of *Adopting Organizations* in the Province of Alberta and to all *Participants* engaged in such activities organized by an *Adopting Organization* and/or its members, whether occurring within or outside of Alberta. *Participants*, especially those in positions of trust or authority, are responsible for knowing what constitutes a *Prohibited Behaviour*. They shall also recognize that the categories of *Maltreatment* are not mutually exclusive, nor are the examples provided in each category an exhaustive list.

4.2 Investigations and Disciplinary Review

Participants alleged to be in violation of the AB UCC are subject to applicable reporting, investigation and disciplinary review processes as outlined in the *Adopting Organization's* Safe Sport Reporting and Independent Resolution Policy (or equivalent).

4.3 Context in which the AB UCC is in Effect

4.3.1 The AB UCC applies to any of the *Prohibited Behaviours* described herein, provided the *Prohibited Behaviour* occurs in any one or a combination of the following situations:

(a) within an *Adopting Organization's* environment; or

(b) when the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in an *Adopting Organization's* activities.

4.3.2 The AB UCC may also apply when the *Prohibited Behaviour* occurs in any one or a combination of the following situations:

(a) when the *Participants* involved interacted or were known to each other due to their mutual involvement in an *Adopting Organization's* activities; or

(b) outside of an *Adopting Organization's* environment, activities or specific programs where the *Prohibited Behaviour* has a serious and material impact on another person, could undermine the integrity or reputation of any Adopting Organization, or bring any Adopting Organization and the sport, physical activity and/or recreation system into disrepute.

4.3.3 The physical location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.

4.4 Sport-Specific Considerations

The AB UCC acknowledges that sport-specific differences exist with respect to such aspects as performance-related feedback, acceptable levels of touch, physical contact, instruction and aggression during training and competition. While the AB UCC does not set or address rules of sport, any relevant sport-specific differences and standards will be considered in any investigative or disciplinary review process. In assessing *Participant* conduct, decision-makers will consider the sport-specific context. The AB UCC does not restrict good-faith coaching, training, performance, performance feedback or other sport-related activities by *Participants* that serve legitimate sport purposes and are conducted without *Maltreatment.*

4.5 Participant Eligibility

Conduct, actions, decisions or communications undertaken in good-faith to comply with, enforce or report on any requirement with respect to *Participant* eligibility rules or duties, that are expressly required or permitted by *Applicable Law,* shall not constitute a breach of the AB UCC.

4.6 Amendments

The AB UCC may be amended from time to time by the Alberta Sport Leadership Association in its sole discretion, and any amendments shall be published and distributed to *Adopting Organizations* at least one month prior to their effective date.

SECTION 5 PROHIBITED BEHAVIOURS

5.1 Violations of the AB UCC

It is a violation of the AB UCC for a *Participant* to engage in the behaviours described in this Section 5. It may be that conduct constituting *Prohibited Behaviour* falls into more than one of the categories of this Section. It is the assessment of the conduct itself that is important, not into which category or categories it falls.

5.2 *Psychological Maltreatment*

5.2.1 *Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.

(a) Verbal Conduct: Severe or repeated verbal abuse that serves no legitimate sport, coaching or performance purpose, including without limitation, verbally assaulting or attacking someone, including in online forms; intentional derogatory comments; threats; deliberate use of rumours, false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately.

(b) Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that creates a material risk of harm or instill fear that serves no legitimate sport, performance or safety purpose, including, without limitation:

(i) repeated and unnecessary weigh-ins, setting unnecessary weight goals or requiring dangerous weight loss methods, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and

(ii) forms of physically aggressive behaviours such as, without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; hitting, striking or punching objects in the presence of others.

(c) Conduct that causes denial of attention or support: without limitation, forms of lack of support or isolation such as ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

(d) A person in authority's pattern of deliberate non-contact behaviours that creates a material risk of harm.

5.2.2 *Psychological Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.3 Physical Maltreatment

5.3.1 *Physical Maltreatment* includes contact or non-contact infliction of physical harm.

(a) Contact behaviours: without limitation, deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic or medical interventions with no specific training or expertise.

(b) Non-contact behaviours: without limitation, isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a *Participant* who is under the legal drinking age; providing illegal drugs or non-prescribed medications to a *Participant*; encouraging or permitting an athlete under their authority to return to play following any injury, including after a concussion, when they knew or ought to have known that the return is premature, or without the clearance of a medical professional where reasonably required; encouraging an athlete to perform a potentially dangerous skill for which the *Participant* knows or ought to know that the athlete is not developmentally ready.

5.3.2 *Physical Maltreatment* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.4 Neglect

5.4.1 *Neglect* refers to the omission of adequate care and attention and is evaluated with consideration given to the *Participant*'s needs and requirements. Examples of *Neglect* include without limitation: not allowing an athlete adequate recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring appropriate supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing an athlete to disregard sport's rules, regulations, and standards.

5.4.2 *Neglect* is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

5.5 Sexual Maltreatment

5.5.1 *Sexual Maltreatment* includes, but is not limited to,

(a) any non-*Consensual* touching of a sexual nature and/or the *Criminal Code* offence of sexual assault;

(b) forcing or coercing a person into sexual acts;

(c) participating in or performing acts on a person that violates their sexual integrity;

(d) *Criminal Code* offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence; or

(e) sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any non-Consensual or coercive act of a sexual nature. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.

5.5.2 *Sexual Maltreatment* can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

5.5.3 *Sexual Maltreatment* of a *Minor* is any *Sexual Maltreatment* against a *Minor*. It includes the items described in Section 5.5.1 above and also includes, but is not limited to, the *Criminal Code* offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a *Minor* through prostitution. *Sexual Maltreatment* of a *Minor* is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a *Minor*, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a *Minor*. It also includes any offence related to child sexual abuse and exploitation materials as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a *Minor Participant* to create, possess, make available or distribute images of themselves.

5.5.4 A *Participant* is presumed to know that a person is a *Minor*.

5.5.5 It is prohibited for a *Participant* to create, possess, make available or distribute images that sexualize or contain nudity of another person without that person's prior *Consent*.

5.5.6 Where there is a *Power Imbalance*, sexual acts and/or communications (electronic or otherwise) between any *Participant* and another *Participant* are prohibited.

5.5.7 Examples of *Sexual Maltreatment* include, without limitation:

(a) reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a *Participant* who has more power in the context of a relationship that involves a *Power Imbalance*, or if the person to whom the solicitation or advance is made is a *Minor*;

(b) pressuring a person to engage in sexual activity, including by making repeated advances that are known or ought to be known to be unwelcome;

(c) questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked by a *Participant* who has more power in the context of a relationship that involves a *Power Imbalance*, or asked of a *Minor* or *Vulnerable Participant*;

(d) sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or sexual attention directed towards a *Minor*. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be objectively perceived by another person as being sexual in nature, practical jokes based on sex, intimidating sexual remarks, propositions, invitations or familiarity; or

(e) demeaning remarks about a person's sex that a reasonable person would find offensive.

5.6 Grooming

5.6.1 *Grooming* constitutes deliberate conduct that precedes or accompanies behaviours defined as *Sexual Maltreatment*. This includes systematic patterns of behaviour designed to gain access to, establish control or influence over, manipulate or build an inappropriate relationship with a *Participant*, *Minor* or *Vulnerable Participant*. Repeated *Boundary Transgressions* by a *Participant* toward a *Minor* or *Vulnerable Participant* may also be deemed to be *Grooming*, regardless of claimed intent.

5.6.2 In assessing whether *Grooming* has occurred, the existence of a *Power Imbalance* shall be taken into account.

5.6.3 The *Grooming* process is often gradual and involves building trust and familiarity with a person, *Participant*, *Minor* or *Vulnerable Participant* and, in many cases, extends to family members, friends and other people surrounding these individuals before advancing to conduct that introduces, desensitizes, sexualizes or otherwise normalizes *Sexual Maltreatment* and/or *Boundary Transgressions*. *Grooming* may include, but is not limited to:

(a) introducing or exposing a *Minor* or *Vulnerable Participant* to mature or sexual concepts, themes, conversations, content or imagery that are not age-appropriate or reasonably connected to the activities of the *Participating Organization* or sport activity;

(b) sexualization of a relationship, reducing a *Participant's* sexual inhibitions, or normalizing inappropriate behaviour;

(c) creating secrecy through private messaging or unsupervised one-on-one settings;

(d) testing of physical boundaries (e.g., seemingly accidental touching);

(e) offering or giving gifts, favours or special privileges that foster a sense of obligation or secrecy; or

(f) any other behaviour that gradually escalates to *Sexual Maltreatment*.

5.6.4 It is acknowledged that many *Participants* – particularly *Minors* and *Vulnerable Participants* and their families may not recognize the *Grooming* process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

5.7 Boundary Transgressions

5.7.1 Identifying a *Boundary Transgression* is dependent on context, including the age of the individuals involved and the existence of a *Power Imbalance*. It may be the case that a particular act or communication does not meet the threshold of any of the types of *Maltreatment* but is an act or communication that is nonetheless viewed as inappropriate in the circumstances.

5.7.2 The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a *Boundary Transgression* is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport, recognizing that *Boundary Transgressions* are often part of the *Grooming* process.

5.7.3 Recognizing that there may be a need to be flexible in the way in which such *Boundary Transgressions* are addressed, a *Boundary Transgression* may trigger review of the circumstances and potentially be resolved informally, or a formal conduct review may be initiated.

5.7.4 Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the *Participant* in the event future *Boundary Transgressions* occur. A repeated *Boundary Transgression* after a consequence should be treated seriously.

5.7.5 The concept of *Boundary Transgressions* is intended to be broad in scope. By way of example and not limitation, a *Boundary Transgression* may be a circumstance where:

(a) using contact information obtained through sport activities to contact someone for non-sport purposes;

(b) a *Participant* uses or attempts to use a line of communication with another person that is not within the typical communication channels;

(c) communicating in a secretive manner or privately with a *Minor* through social media, text or other electronic means;

(d) a *Participant* inappropriately shares or requests personal photographs;

(e) a *Participant* arranges for or engages in inappropriate sharing of locker rooms;

(f) one-on-one meetings that are not held in an open and observable environment;

(g) there is inappropriate private travel or transportation; and

(h) providing inappropriate personal gifts.

5.8 Discrimination

5.8.1 The following examples of conduct may constitute *Discrimination* when based on a protected ground:

(a) unlawfully denying access to sport;

(b) unfair, adverse treatment of a Participant; or

(c) communicating hateful remarks or imagery.

5.9 Subjecting a *Participant* to the Risk of *Maltreatment*

5.9.1 Sport administrators or other sport decision-makers in positions of authority who place *Participants* in situations that they know or ought reasonably to have known make the *Participant* vulnerable to *Maltreatment* are subjecting a *Participant* to the risk of *Maltreatment*.

5.9.2 Subjecting a *Participant* to the risk of *Maltreatment* includes, without limitation: instructing or allowing an athlete and coach to share a hotel room when traveling, knowingly hiring or retaining a *Participant* who has a past history of *Prohibited Behaviour* or who is under a current sanction of temporary or permanent ineligibility pursuant to a AB UCC enforcement process, assigning guides and other support staff to a para-athlete when the guide or support staff has a past history of *Prohibited Behaviour* and is under a sanction of temporary or permanent ineligibility pursuant to a AB UCC enforcement process, or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.

5.10 Aiding and Abetting

5.10.1 Aiding and abetting is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of *Maltreatment* or other *Prohibited Behaviour* by or against a *Participant*.

5.10.2 Aiding and abetting also includes, without limitation:

(a) knowingly allowing any person who is suspended, or is otherwise ineligible, to participate in an *Adopting Organization's* activities;

(b) providing any coaching-related advice or service to an athlete who is suspended or is otherwise ineligible; or

(c) allowing any person to violate the terms of their suspension or any other sanctions imposed.

5.11 Failure to *Report*

5.11.1 Failure to *Report* possible *Maltreatment* or other *Prohibited Behaviour*:

(a) It is a violation for any adult *Participant* who knew or ought to have known of a *Participant's Prohibited Behaviour* toward another person to fail to *Report* such conduct. For clarity, a *Participant* is not obligated to *Report* an instance of *Prohibited Behaviour* to which they were personally subject.

(b) Where information regarding a *Participant's Prohibited Behaviour* toward another adult is made known to an adult *Participant* through an explicitly confidential *Disclosure*, the adult *Participant* shall not be required to *Report* the information obtained through that *Disclosure* except where required by Applicable Law. Nevertheless, if an adult *Participant* knew or ought to have known of the *Participant's Prohibited Behaviour* for reasons other than the explicitly confidential *Disclosure*, it remains a violation for them to fail to *Report* such conduct.

(c) The person making the *Report* does not need to determine whether a violation took place: instead, the responsibility lies in *Reporting* the objective behaviour, in good faith. Early intervention is required to prevent escalation, hence the obligation on all adult *Participants* to *Report*.

(d) The *Reporting Obligation* is ongoing and is not satisfied simply by making an initial *Report*. The *Reporting Obligation* includes *Reporting*, on a timely basis, any and all relevant information of which an adult *Participant* becomes aware.

(e) It is a violation for any adult *Participant* to fail to fulfill any applicable legal *Duty to Report*.

5.12 Intentionally *Reporting* a False, Vexatious or Bad-Faith Report

5.12.1 It is a violation of the AB UCC to knowingly make a false *Report*, or to encourage or influence another person to make a false *Report*, alleging that a *Participant* engaged in *Prohibited Behaviour*. A *Report* is false when the events alleged in the *Report* did not occur and the person making the *Report* knew or ought reasonably to have known they did not occur at the time of filing.

5.12.2 A false allegation differs from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone, is not a violation of the AB UCC.

5.12.3 It is also violation of the AB UCC to make a *Report* that is frivolous, vexatious or made in bad faith. For a *Report* to be considered to have been made in bad faith, it shall be considered whether the *Report* was filed consciously for a dishonest purpose or with an intention to mislead. A *Report* shall not be characterized as bad faith if there was a reasonable basis for filing the *Report*.

5.13 Interference with or Manipulation of Process

5.13.1 It is a violation of the AB UCC for a *Participant* to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:

(a) knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome;

(b) attempting to discourage or prevent a person's proper participation in or use of the processes;

(c) harassing or intimidating any person involved in the processes before, during, and/or following any proceedings;

(d) failing to comply with any temporary or provisional measure or final sanction;

(e) influencing or attempting to influence another person to interfere with or manipulate the process; or

(f) distributing or otherwise publicizing materials a *Participant* gains access to during an AB UCC investigation or hearing, except as required by Applicable Law or as expressly permitted.

5.13.2 All *Participants* are expected to act in good faith throughout any complaint, investigation or disciplinary review process, and the sole purpose of Section 5.13 is to provide a means to discipline those who do not. In recognition that a *Participant* may conceal information out of embarrassment, shame or to protect a *Respondent*, absent demonstrable bad faith, minimizing or concealing information in such circumstances is not an AB UCC violation.

5.14 Retaliation

5.14.1 It is considered retaliation for a *Participant* to take an adverse action against any person for making a good faith *Report* of possible *Prohibited Behaviour* or for participating in any AB UCC enforcement process.

5.14.2 Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process, whether directly or indirectly, related to behaviour prohibited by the AB UCC. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no *Prohibited Behaviour* occurred. Retaliation does not include good-faith actions lawfully pursued in response to a *Report* of possible *Prohibited Behaviour*.

SECTION 6 OTHER PROCEEDINGS AND RECOGNITION OF SANCTIONS

6.1 Facts Accepted by Courts or Professional Disciplinary Tribunals

Facts accepted by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the applicable AB UCC enforcement process, as allowable by Applicable Law.

6.2 *Criminal Code* Convictions

6.2.1 Automatic Sanctions

A *Participant* convicted of a *Criminal Code* offence for conduct considered to be *Prohibited Behaviour* shall be automatically sanctioned, subject only to the right to challenge the sanction imposed.

6.2.2 Convictions Under Appeal

If the criminal conviction is under appeal, the *Participant* shall continue to serve the AB UCC sanction until such time as the conviction is overturned and is not subject to a further appeal, or the sanction is completed, whichever is earlier.

6.2.3 Convictions Successfully Overturned

If the criminal conviction is successfully overturned, AB UCC violations arising from the same situation may still be independently asserted and sanctions imposed against the *Participant*. In such cases, evidence of facts accepted by the criminal court shall be admissible within the applicable AB UCC enforcement process, as allowable by *Applicable Law*.

6.3 Findings from Other Proceedings

6.3.1 A *Participant* shall be deemed to have violated the AB UCC if found guilty of an offence or of misconduct considered to be *Prohibited Behaviour* by:

(a) a foreign criminal court;

(b) a professional disciplinary tribunal of competent jurisdiction; or

(c) a sport organization's disciplinary process or a specialized sports tribunal.

6.3.2 The *Participant* shall be automatically sanctioned, with consideration given to any sanctions imposed in such other proceedings, subject to a right to challenge:

(a) the sanction; or

(b) the deemed violation, based on a violation of procedural fairness and/or natural justice in the relied-upon proceeding.

SECTION 7 RANGE OF POSSIBLE SANCTIONS

7.1 Temporary or Provisional Measures

Prior to the final resolution of an alleged violation of the AB UCC, temporary or provisional measures may be imposed in accordance with the *Adopting Organization's* policies.

Temporary or provisional measures should be evaluated with consideration to and weighing of the following factors:

(a) the seriousness of the allegations and the facts and circumstances of the case;

(b) the safety and well-being of *Participants* and the sport community;

(c) potential risks and prejudice from action and inaction, with safety being paramount; and

(d) the best interest of sport and those who participate in it, including the views of the person(s) directly impacted.

7.2 Types of Sanctions

Different incidents constituting a violation of the same part of the AB UCC may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors as described in Section 7.4. However, progressive discipline is not required as a single occurrence of *Prohibited Behaviour* can lead to a very significant sanction based on the severity and circumstances of the violation. Subject to Section 7.3, if *Prohibited Behaviour* is confirmed one or more of the following sanctions may be imposed:

7.2.1 Verbal or Written Apology

The requirement that a *Participant* issue a verbal, written or online apology to acknowledge the *Prohibited Behaviour* and its impact on others.

7.2.2 Verbal or Written Warning

A verbal reprimand or an official, written notice and formal admonition that a *Participant* has violated the AB UCC and that more severe sanctions will result should the *Participant* be involved in other violations.

7.2.3 Education

The requirement that a *Participant* undertake specified supplemental educational or similar remedial measures to address the *Prohibited Behaviour*.

7.2.4 Probation

A probationary period may include a loss of privileges or other conditions, restrictions, or requirements for a specified period of time. Any further violation of the AB UCC during the probationary period will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility.

7.2.5 Suspension

Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by any *Adopting Organization* and/or its members. A suspended *Participant* may be eligible to return to sport, but reinstatement may be subject to certain restrictions or contingent upon the *Participant* satisfying specific conditions noted at the time of suspension.

7.2.6 Eligibility Restrictions

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

7.2.7 Permanent Ineligibility

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition organized or sanctioned by any *Adopting Organization* and/or its members.

7.2.8 Other discretionary sanctions

Other sanctions for *Prohibited Behaviour* may be imposed, including, but not limited to: loss of privileges, prohibition from attending or spectating sport events, no contact directives, monetary penalties including fines or compensation for direct losses, or other restrictions or conditions deemed necessary or appropriate to protect *Participants* and maintain the integrity of sport.

7.3 Presumptive Sanctions

7.3.1 The following sanctions are presumed to be fair and appropriate for the listed *Maltreatment*, but the *Respondent* may rebut these presumptions:

(a) *Sexual Maltreatment* involving a *Minor* shall carry a presumptive sanction of permanent ineligibility, provided that, where the *Respondent* is also a *Minor*, the sanction imposed, if any, may be modified based on the age of the Respondent and other relevant factors as outlined in Section 7.4;

(b) *Sexual Maltreatment*, *Physical Maltreatment* with contact, *Grooming*, and *Prohibited Behaviour* described in Sections 5.9 to 5.14 shall carry a presumptive sanction of either a period of suspension or eligibility restrictions;

(c) While a *Respondent* has pending charges under the *Criminal Code* regarding allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable AB UCC enforcement process.

7.3.2 Failure to comply with a previously imposed sanction will result in automatic suspension until such time as full compliance occurs.

7.4 Sanctioning Considerations

Any sanction imposed against a *Participant* must be proportionate and reasonable, relative to the *Maltreatment* that has occurred. Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

(a) the nature and duration of the *Respondent's* relationship with the affected individuals, including whether there is a *Power Imbalance* or position of trust;

(b) the *Respondent's* prior history and any pattern of *Prohibited Behaviour* or other inappropriate conduct;

(c) any previous disciplinary findings regarding, or sanctions against, the *Respondent*;

(d) maltreatment of a *Minor* or of a *Vulnerable Participant* is to be considered an aggravating circumstance;

(e) the ages of the persons involved, including when the *Respondent* is a *Minor*, whereby *Maltreatment* by a *Minor* of a child under the age of 12 or of a *Vulnerable Participant* is to be considered an aggravating circumstance;

(f) whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;

(g) the *Respondent's* voluntary admission of the violation(s), acceptance of responsibility for the *Prohibited Behaviour*, and/or cooperation in the applicable AB UCC enforcement process;

(h) real or perceived impact of the incident on the affected individuals, sport organization or the sporting community;

(i) deterrent effect on future such conduct;

(j) potential impact on the public's confidence in the integrity of Alberta's sport system;

(k) aggravating or mitigating circumstances specific to the *Respondent* being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the AB UCC; addiction; disability; illness; lack of remorse; intent to harm);

(l) whether, given the facts and circumstances that have been established, the *Respondent's* continued participation in the sport community is appropriate;

(m) whether the *Respondent* was found to have committed of one or more previous AB UCC violation(s);

(n) the desired outcomes of the person(s) directly impacted by the *Prohibited Behaviour*; and/or

(o) other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors or prior sanctions may justify elevated or combined sanctions.