

# NSP CODE OF CONDUCT

## Purpose and Underlying Principles

### 6.1 NSP CODE OF CONDUCT

The purpose of defining a Code of Conduct is to set forth the National Ski Patrol's expectations of ethical behavior. It identifies standards of conduct and defines the disciplinary process that is used to address behavior and/or conduct that is in violation of our identified expectations. This Code of Conduct is intended to meet or exceed the minimum standards as set forth in the Colorado Revised Nonprofit Corporation Act and those required under federal law.

The National Ski Patrol (NSP) expects its members, affiliates and their members, associates, and partners to interact with the public and each other in an appropriate respectful manner reflecting high standards of civility and congeniality. These standards are based on core values such as honesty, respect, and trust, but they are also learned directly from the actions of others. What people see their organizational members, leaders, and staff do influences their own views of what is acceptable or unacceptable behavior.





## ANTI-DISCRIMINATION POLICY AND COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

The NSP is committed to creating and maintaining an environment in which all have an opportunity to participate and contribute to the organization and are valued for their skills, experience, and unique perspectives. The National Ski Patrol is committed to respecting and including diverse opinions, perspectives, and cultures in its operations and associations with the outdoors sports community.

### **The NSP policy against discrimination is inclusive of any basis prohibited by law, including:**

- + race,
- + religion,
- + creed,
- + ancestry,
- + sex,
- + gender,
- + gender identity,
- + sexual orientation,
- + disability,
- + citizenship,
- + genetic information,
- + past, current, or prospective service in the uniformed services,
- + age,
- + color,
- + national origin,
- + marital or family status,
- + veteran status, and
- + medical condition.

NSP members, affiliate members, and associates must not subject or be subjected to abuse, derogatory comments, or slurs relating to any of the above. Harassment, bullying, intimidation, and exclusion will not be tolerated. Every NSP member, affiliate member, and associate has the right, without fear of retaliation, to raise good faith concerns about Code of Conduct issues.

The NSP is committed to a Code of Conduct process that is fair, reasonable, accountable, and compliant with relevant law. The NSP intends that remedial actions taken under the Code of Conduct be rehabilitative and educational in nature to the greatest extent possible under the circumstances to prevent further occurrences.

NSP does not discriminate against diverse populations nor ignore inequities. It embraces inclusion and commits to removing barriers (real or perceived) to improve the quality of the organization and encourage/recruit the participation of those of historically underrepresented populations in the outdoor recreational environment. In addition, NSP expects a climate and culture of acceptance for ALL current and future members.



## 6.2 NSP CODE OF CONDUCT

Members and associates of the National Ski Patrol are expected to conduct themselves in a manner that projects competence, instills public trust, and supports the Mission, Purpose, and Values of our organization.

The NSP's Code of Conduct includes but is not limited to the following expectations. All members shall:

- ✦ Communicate and work with courtesy and collegial respect.
- ✦ Act with integrity, using good judgment and behave in accordance with the law, in a way that supports the National Ski Patrol and its stakeholders.
- ✦ Represent the National Ski Patrol organization and its mission in a positive and competent manner.
- ✦ Respect the uniqueness and intrinsic worth of every individual. Foster an environment of inclusiveness and a commitment to diversity within the entire organization.
- ✦ Engage in conduct that will not compromise, discredit, or diminish the integrity of yourself or the NSP.
- ✦ Presume positive intent in interactions with others; find out all the facts and circumstances; give others the benefit of the doubt first.
- ✦ Keep personal attacks, slurs, and insults out of the conversation. Aim to offer positive alternatives or suggestions for furtherance of overall NSP mission, vision, and goals.
- ✦ Foster an open democratic decision-making process; respect decisions once they are made.
- ✦ Respect the policies and procedures that have been established by and for members; when in doubt, ask for clarification.
- ✦ Follow controlling statements or memoranda of understanding and other agreements to which NSP is a party.
- ✦ Use financial resources for the good of the membership and in keeping with the fiduciary responsibilities, policies, and procedures at all levels of the organization.
- ✦ Air any grievances in a manner that promotes a positive resolution. To the extent applicable, utilize the NSP's Step by Step Process found at [www.nsp.org](http://www.nsp.org) to address concerns. Seek guidance if in doubt about the ethical propriety of a situation; your Patrol Director/Representative or Superior can be an excellent resource.





### **6.3 MISCONDUCT VIOLATING NSP CODE OF CONDUCT**

The following actions constitute misconduct violating NSP's Code of Conduct.

#### **6.3.1 ASSAULT, BATTERY, OR PHYSICAL VIOLENCE**

The Code of Conduct prohibits assault, battery, and physical violence. Causing someone to reasonably fear that battery will occur is assault. Touching someone who does not desire to be touched is battery. Physical violence is exerting control over another person through the use or threat of physical force.

#### **6.3.2 SEXUAL HARASSMENT, ASSAULT, OR BATTERY**

The Code of Conduct prohibits sexual harassment, assault, and battery. Sexual harassment is harassing a person because of that person's sex. It includes deliberate or repeated unwanted or unwelcome behavior, including sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Sexual harassment can include the display of sexually suggestive objects, signs, magazines, or pictures, or the sending of sexually suggestive emails or text messages to persons who do not want this attention. It may also include a range of actions from verbal transgressions and sexual overtones to sexual assault.

Sexual assault, or sexual battery is intentionally sexually touching another person without that person's consent or coercing or physically forcing a person to engage in a sexual act against their will.

#### **6.3.3 BULLYING OR HARASSMENT**

The Code of Conduct prohibits bullying and harassment. Bullying is an intentional act that causes harm to others, and may involve verbal harassment, verbal or

non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. It is aggressive behavior that intends to hurt, threaten, or frighten another person. An imbalance of power between the aggressor and the victim is often involved. Bullying occurs in a variety of settings ranging from direct interpersonal interaction to social media or other online environments.

Harassment is a pattern of continued and regular unwanted actions against an individual. Harassment may include abusive, profane, indecent, belittling, condescending, threatening, annoying, malicious, or other derogatory statements regarding race, ethnic or national origin, sex, gender, sexual orientation, religion, age, disability, or another legally protected status.

#### **6.3.4 YOUTH PROTECTION VIOLATION**

The Code of Conduct prohibits any action that violates the NSP Youth Protection Policy that has been put in place to minimize the risk of abuse of Young Adult Patrollers and other non-NSP members under the age of 18 who may be involved in support roles during NSP courses or events.

Reporting is done separately, through a Youth Protection Report Form found here, under the Governance Tab within the Youth Protection Training Process document,

#### **6.3.5 DISCRIMINATION**

The Code of Conduct prohibits unfair or prejudicial treatment of people and groups, and unwelcome or offensive behavior, based on characteristics such as race, national origin, sex, gender, sexual orientation, religion, age, disability, or another legally protected status.



### 6.3.6 INTENTIONAL ACTIONS TO HARM THE NSP

The Code of Conduct prohibits:

- + Defamation, (often known as slander or libel), that could significantly damage the National Ski Patrol, its reputation, or its assets. Defamation is a false statement of fact that harms the reputation of an organization or person. NSP recognizes that a statement of opinion is not defamatory, and the true facts may be disputed and subject to discussion, and nothing in this section is intended to prevent legitimate debate, discussion, or criticism.
- + Intentional interference with any national level contract negotiations or relationship between the NSP and an industry partner.
- + Engagement or service as an expert witness adverse to the NSP or an NSP associated ski area or other recreation area.

### 6.3.7 FRAUD/MISREPRESENTATION AND MISAPPROPRIATION OF FUNDS/PROPERTY/GOODS OR SERVICES

The Code of Conduct prohibits fraud, misrepresentation, and misappropriation of funds or property, including:

- + Misappropriation, misuse, defalcation, or neglect in managing money or property owned by NSP, a division or any other NSP sub-unit.
- + Stealing from any program or unit of the NSP; or the intentional withholding of funds or property belonging to the NSP or any program or unit of the NSP or belonging to any sponsor or industry partner and administered by NSP, after a demand for the return of the funds or property has been made by the NSP.
- + Embezzling or misdirecting or converting to their own use NSP funds, membership lists or other assets for activities not authorized by the responsible entity.

- + Intentional violation of any NSP sponsor's or industry partner's requirements to obtain goods or services, including intentional misrepresentation.

### 6.3.8 IMPERSONATION; MISREPRESENTATION OF AUTHORITY; UNAUTHORIZED PUBLICATION; UNAUTHORIZED USE OF TRADEMARKS AND LOGOS

- + Unauthorized creation, manufacture, dissemination and/or possession of any NSP credential including any document bearing the signature of the National Chair or chief executive of the NSP.
- + Unauthorized publication of copyrighted material, and unauthorized use of NSP trademarks and logos, in violation of Sections 10.2.2 and 10.2.3 of the NSP Policies and Procedures. Each NSP member and/or subunit is directly responsible for the content of their publications, including websites that contain NSP trademarks, logos, or copyrighted material, and must ensure continuing compliance with the provisions of Section 10.2.

### 6.3.9 NON-STANDARD MEDICAL TRAINING

#### 6.3.9.1

#### **The Code of Conduct prohibits training under the auspices of NSP, including**

OEC and its other educational programs, contrary to the established Standard of Training. The Code of Conduct does not prohibit ski areas or other local operational entities from establishing their own protocols and standards of care that depart from an NSP Standard of Training and does not prohibit members at such operational entities from training members in such protocols and standards of care, provided that such training is identified as departing from the applicable NSP Standard of Training.





### 6.3.10 RETALIATION

- ✦ The Code of Conduct prohibits retaliation. Retaliation is subjecting a complainant to an adverse action or harassment solely because they filed a complaint, or participated in an investigation, proceeding, or hearing.
- ✦ Leaders, line officers, instructors, advisors, and volunteer staff may not directly or indirectly use their authority or influence for the purpose of interfering with the right of a member or associate to file a complaint.
- ✦ It is not retaliation for a member to file a complaint alleging that a prior complaint rested on false accusations and was driven by purposeful intent to harm the member's reputation.

### 6.4 ACTIONS NOT SUBJECT TO ADJUDICATION UNDER THE NSP CODE OF CONDUCT:

- ✦ Allegations against NSP paid staff members, or against paid patrollers, for matters that fall within their scope of employment are the subject of employment law and are not subject to this Code of Conduct.
- ✦ Allegations based on actions of area management or lands administrators are not subject to this Code of Conduct.

- ✦ Changes in program or other leadership positions, other than for retaliatory or other manifestly improper purposes, do not violate this Code of Conduct.
- ✦ Allegations against an evaluator for any NSP sponsored educational or skill test or assessment, other than for retaliatory or other manifestly improper purposes, do not violate this Code of Conduct.
- ✦ **Note:** The NSP Board of Directors has the sole, final authority to determine whether a matter falls within the NSP Code of Conduct and the decision of the NSP Board of Directors is a final determination on Code of Conduct matters.

### 6.5 CODE OF CONDUCT COMPLAINTS AND INVESTIGATIONS

All members are encouraged to work together respectfully to resolve conflict. People often make comments or statements that are not intended to hurt or be disrespectful but come across that way to the person who heard it. Many conflicts can be sorted out through respectful conversation and open discussion through the informal resolution process.

NSP's Code of Conduct Complaint process should not be used to settle personal animosities or mere differences of opinion. Nor may Code of Conduct Complaints be used to retaliate against protected activities, such as discrimination complaints, sexual harassment complaints, and other Code of Conduct Complaints.



## 6.5.1 TYPES OF COMPLAINTS, INVESTIGATIONS, AND SANCTIONS

### 6.5.1.1 Informal Complaints; Sanctions Available

- + As a matter of both principle and practicality, most Code of Conduct complaints should be investigated and resolved informally at the Patrol Unit level. For example, an ordinary conflict between two members of the same Patrol Unit, that affects only that patrol and associated area, will typically be appropriately investigated, and resolved by that Patrol Unit, acting alone or in connection with management of the associated area. The complainant and patrol representative/director follow the process as defined by the patrol or area management.
- + The Unit Representative may investigate the allegations themselves or may designate another member of the Patrol Unit to perform the investigation, consistent with the Objectivity and Avoidance of Bias requirements of subsection 6.5.4 below.
- + At the conclusion of an informal investigation, the investigator should inform the affected parties whether a violation has been found, as specifically as is reasonable under the circumstances. If an informal investigation identifies a violation, the investigator may impose appropriate sanctions, such as a requirement that the offender apologize to the affected parties or a reprimand.
- + Sanction available based on an informal complaint include:
  - ∴ De minimis finding where there is little, or no action taken.

- ∴ Instruction that particular members refrain from unnecessary interaction.
- ∴ Private apology
- ∴ Verbal reprimand

- + When informal efforts to resolve member complaints at the local level have been ineffective, a member should complete the Formal Complaint form that can be found on the NSP website. A "Formal Complaint" may also be referred to as a "Category One Complaint" or a complaint alleging a "Category One Violation"; the terms have the same meaning.

### 6.5.1.2 Formal Complaints; Sanctions Available

- + When informal efforts to resolve member complaints at the local level are ineffective, a member should complete the Formal Complaint form that can be found on the NSP website.
- + When a formal complaint is filed, the Executive Director, National Legal Advisor, or Board Chair, or their designees, will review and refer it to the lowest appropriate level of the organization.
- + If the formal complaint is handed to a Division Director for resolution, the Division Director(s) shall delegate the investigation and any initial determination of misconduct and discipline to the local or regional leadership as appropriate. In most cases, the Division Director will engage the Division Legal Advisor to work with the complainant, the accused, witnesses, and appropriate leadership (such as the Region Director, the Patrol Director, and ski area management) to gather relevant facts and other information.





**6.5.1.2  
Formal Complaints;  
Sanctions Available (con't)**

- + Sanctions will ultimately be determined by the Division Director, and may include a:
  - : De minimis finding where there is little, or no action taken.
  - : Instruction that particular members refrain from unnecessary interaction.
  - : Private apology
  - : Verbal reprimand
  - : Public apology
  - : Letter of reprimand
  - : Restitution of harm caused
  - : Suspension of instructor/IT status for a time or permanently
  - : Suspension from attending training events for a time (not to exceed one year)
  - : Suspension from local patrol for a time or permanently
  - : If in violation of law, report to appropriate law enforcement or another agency
  - : Recommendation of expulsion or suspension for more than one year

**6.5.1.3  
Formal National Investigations;  
Sanctions Available**

A National Code of Conduct complaint is a formal complaint that impacts the reputation and/or relationship of the NSP with the general public, sponsors or potential sponsors, industry partners or potential industry partners, insurance agencies of industry partners, EMS, health care agencies or governments, or when there may be legal or national ramifications. A "National Code of Conduct Complaint" may also be referred to as a "Category Two Complaint" or a complaint alleging a "Category Two Violation"; the terms have the same meaning. When a national complaint is filed, the Executive Director or National Legal Advisor, or their designees, will review and refer it to Board of Directors

Only a formal, national investigation can result in expulsion of a member or suspension for a period of greater than one year.

**6.5.1.4  
Process and Form**

For more specific details on the National Code of Conduct Complaint process and form, please go to this link.





### 6.5.2 SPECIFIC EXAMPLES OF COMPLAINT OUTCOMES

Most Code of Conduct Complaints never become public knowledge. As guidance for Members and for those investigating Code of Conduct Complaints, the Board provides some examples of conduct that have been found, or would be found, either to violate or not to violate the Code of Conduct. These examples do not contain names or specific details about complaints, but rather are illustrations of the types of complaints that are the subject of this Code of Conduct and associated sanctions. They are found in the CoC process document.

### 6.5.3 OBJECTIVITY AND AVOIDANCE OF BIAS; RECUSAL

Any investigation must be, to the extent feasible, free of actual and perceived bias. Potential investigators' particular relationships with accused or affected parties, or direct involvement in the event that led to the investigation, may affect their actual or perceived objectivity. If potential investigators recognize that their objectivity might be reasonably questioned in connection with a particular investigation, or if accused or affected parties reasonably question their objectivity, they should recuse themselves from the investigation. If recusal by one or more potential investigators makes investigation and adjudication by the affected Subunit impractical, the leadership of that Subunit shall request assistance or intervention from the legal advisor of the next highest-level leadership (e.g., Region, Division, or National), as appropriate, who shall identify one or more appropriate and unbiased investigators and coordinate transfer of the investigation thereto.

### 6.5.4 CONFIDENTIALITY.

- + As a general principle, Code of Conduct investigations should be kept as confidential as is reasonable under the circumstances. This helps to protect personal information and to encourage a forum for complaints without fear of reprisal. Moreover, the nature of certain violations may inherently require particular efforts to maintain confidentiality. For example, when the incident being investigated involves the alleged disclosure of personal information, private facts, or false information, a lack of confidentiality may exacerbate the injury to the complainant well beyond the original incident.

- + However, as a practical matter, it may not be possible to maintain complete confidentiality. For example, when the incident leading to an investigation is witnessed by others – whether members of NSP, persons associated with area management, or the public – seeking information from those witnesses necessarily requires some disclosure of the underlying investigation. Moreover, to the extent that an investigation may result in a determination or sanctions that affect the participants' interactions with each other, with other members, or with area management – for example, a public reprimand or apology, or suspension from patrolling status – communication of that result and any sanctions may be inherently necessary.

- + At the outset of each Code of Conduct investigation, the investigator in charge should clearly articulate specific confidentiality expectations in connection with the investigation and consequences for failure to abide by those expectations and should convey those expectations in writing to the participants. Such consequences may include, for example, that a participant's disclosure of information related to the investigation may waive complaints regarding others' failure to maintain confidentiality, or in extreme circumstances, may result in a separate Code of Conduct investigation. At the conclusion of each Code of Conduct investigation, any written determination should reiterate those confidentiality expectations, and should clearly articulate any limitations on the dissemination of the determination or other information about the investigation. The investigator and participants should make reasonable efforts to clearly mark any confidential documents related to the investigation as confidential, to facilitate meeting those expectations.

### 6.5.5 RECORDS RETENTION

All written documentation of Code of Conduct investigations should be in accordance with the NSP Document Retention Policy.



## 6.6 APPEALS

To the extent not inconsistent with the Bylaws, the following provisions control Appeals:

### 6.6.1 ALL APPEALS OF THE CODE OF CONDUCT COMPLAINTS SHALL BE FILED AND PROCESSED BY THE NATIONAL SKI PATROL ACCORDING TO EITHER A FORMAL OR NATIONAL CLASSIFICATION.

- ✦ National Appeals are limited to matters which impact the National Ski Patrol at the national level.
- ✦ All other appeals, including those involving a Division or its subunits and chains of command, will be considered Formal appeals.
- ✦ The NSP Board of Directors has absolute authority to decide whether a matter falls into Formal or National classification.

### 6.6.2 PLACE AND PROCEDURE OF THE INITIAL FILING

- ✦ Formal Appeals are filed with the Executive Director and National Legal Advisor, with a copy to the Chair of the National Board. A copy is also then filed with the Division Director or equivalent Associate Unit command official. Any Appeal may be redirected after it is filed by the Division Director or equivalent associate unit command official.
- ✦ National Appeals are filed with the Chair of the NSP Board, with a copy to the Executive Director and National Legal Advisor. The NSP Board will make a prompt initial decision to hear or decline the request. If the matter is accepted, the NSP Board will schedule the matter on its calendar.

### 6.6.3 DIVISION PROCEDURES AND APPEALS FROM THE DIVISION

The Divisions or equivalent Associate Unit command may provide additional procedures which do not conflict with these Bylaws or the NSP Policies and Procedures Manual.

### 6.6.4 PREEMPTION

The NSP Board may take over Formal Appeal or Code of Conduct Complaint at any time, if the NSP Board feels the matter involves a National issue.

Upon this preemption, the NSP Board has exclusive jurisdiction unless the Board exercises its discretion to refer the matter to a subunit for further proceedings.

## 6.7 PRESERVATION OF STATUTORY RIGHTS

Nothing in this Section shall modify a member's legal rights, including under Colorado Revised Statutes section 7-126-302, which currently reads: Termination, expulsion, or suspension. (1) Unless otherwise provided by the bylaws, no member of a nonprofit corporation may be expelled or suspended, and no membership or memberships in such nonprofit corporation may be terminated or suspended except pursuant to a procedure that is fair and reasonable and is carried out in good faith. (2) For purposes of this section, a procedure is fair and reasonable when either: (a) The bylaws or a written policy of the board of directors state a procedure that provides: (I) Not less than fifteen days prior written notice of the expulsion, suspension, or termination and the reasons therefor; and (II) An opportunity for the member to be heard, orally or in writing, not less than five days before the effective date of the expulsion, suspension, or termination by a person or persons authorized to decide that the proposed expulsion, termination, or suspension not take place; or (b) It is fair and reasonable taking into consideration all of the relevant facts and circumstances. (3) For purposes of this section, any written notice given by mail must be given by first-class or certified mail sent to the last address of the member shown on the nonprofit corporation's records. (4) Unless otherwise provided by the bylaws, any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which defective notice is alleged, must be commenced within one year after the effective date of the expulsion, suspension, or termination. (5) Unless otherwise provided by the bylaws, a member who has been expelled or suspended may be liable to the nonprofit corporation for dues, assessments, or fees because of obligations incurred or commitments made prior to expulsion or suspension. The Colorado Revised Non-Profit Act, §7-126-302 (2017). <https://leg.colorado.gov/sites/default/files/images/olls/crs2017-title-07.pdf#page=480>

**Note:** To confirm the most current version of this statute, please look up the statute online. This Code of Conduct does not grant any individual any legally enforceable rights but sets forth standards and procedures to deal with alleged and actual violations of this Code of Conduct.

