

Harassment and Abuse: Prevention and Compliance

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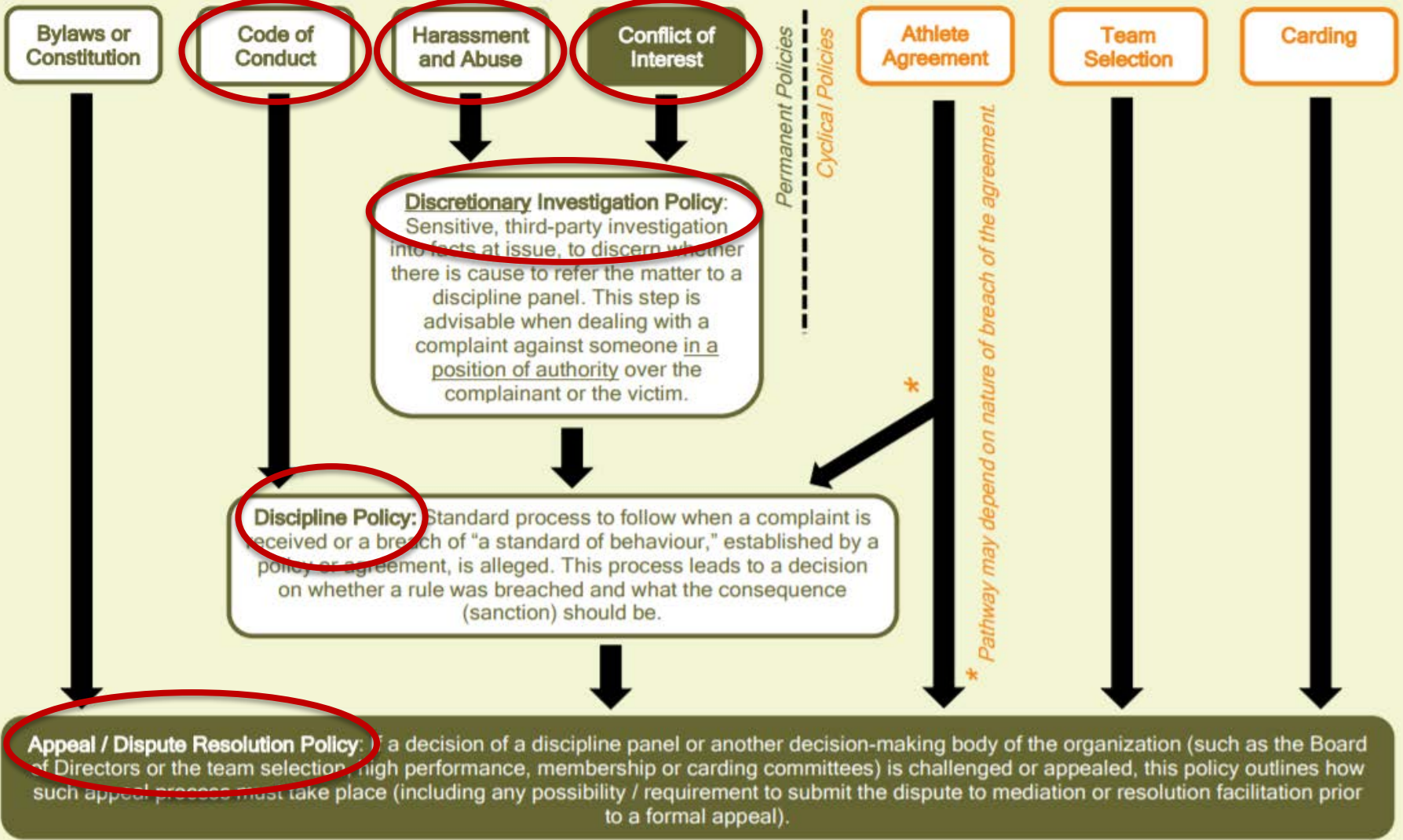
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Canada


CRDSC SDRCC

The Plan

1. Governance Policy Structure
2. Harassment and Abuse
3. Policy Writing Principles
4. Implementation
5. Challenges
6. Prevention and Education



Principles of Behavior Management

DISCIPLINE

“ Consequences
to Inappropriate Behavior ”

Code of Ethics Trickles-down to Enforcing Sanctions

**Code
of
Ethics**

Code of Conduct

Disciplinary Measures

Enforcing Sanctions

Code of Ethics / Code of Conduct

What's the difference???

Code of Ethics

- ▶ Ethical Foundations
- ▶ General Principles
- ▶ Value Based
- ▶ Higher End
- ▶ “Fuzzy”

Code of Conduct

- ▶ Extension of Code of Ethics
- ▶ Translates Values into Actions
- ▶ Behavior Based
- ▶ More Concrete

Code of Ethics



Contents:

Fundamental values, more abstract concepts



Application:

General, applicable to all members



Code of Conduct



Contents:

Expected behaviors, daily and/or on the field



Application:

Specific, applicable to a subset of members (coaches, athletes, etc.)



***“A Code of Ethics
without a Code of Conduct has
the same effect
as empty words”***

A CODE OF ETHICS



A CODE OF CONDUCT



Ethical principle

Official's Commitment

"As an official, I am committed to behave in a manner that complies with the following ethical principle"

Behavior Expectations Towards Other Participants, Colleagues or Stakeholders

The official must, at all given times and occasions, behave in a manner worthy of the respect and recognition awarded to its function. He/she must respect individuals without regards to status defined by gender, age, race or athletic potential.

Respect of individuals — *Nothing will be tolerated which represents a risk for the health or safety, be it physical or mental, of a human being.*

D I G N I T Y

Courtesy

- Communicate in a respectful manner with other participants

- Show consideration and politeness, and use appropriate language
- Create a context that is conducive to courteous dialogues
- Act with moderation and objectivity

- Show discretion with all information of confidential nature

- Avoid the disclosure of personal information
- Abstain from any form of harassment
- Prevent or remediate discriminatory practices
- Avoid attitudes that may prejudice an individual or his/her reputation
- Respect the limits of his/her authority in the use of the information in his/her possession

Security

- Protect the integrity of the competition and the safety of the participants

- Confirm, maintain and support the security rules in his/her particular sport
- Do not tolerate behavior which could put at risk the integrity of the competition of the safety of participants
- Be in good physical and mental shape to accomplish the tasks expected

Ethical principle	Official's Commitment "As an official, I am committed to behave in a manner that complies with the following ethical principle"	Behavior Expectations Towards Other Participants, Colleagues or Stakeholders <i>The official must, at all given times and occasions, behave in a manner worthy of the respect and recognition awarded to its function. He/she must respect individuals without regards to status defined by gender, age, race or athletic potential.</i>	
I N T E G R I T Y	Respect of rules — <i>Only the athletes' performance will dictate the outcome of the competition</i>		
	Competence	<ul style="list-style-type: none"> ▪ Know the rules applicable to the competition in progress 	<ul style="list-style-type: none"> ▪ <i>Understand and fulfill his/her duties with fairness and accuracy</i> ▪ <i>Meticulously prepare before an event ; have all tools and documents required to accomplish your tasks</i> ▪ <i>Fulfill your obligations with competence</i> ▪ <i>Know the rules and their interpretation; comply with the stipulated rules</i> ▪ <i>Follow directives given by the authorities</i> ▪ <i>Honor his/her verbal or written commitments</i>
		<ul style="list-style-type: none"> ▪ Be open to constructive criticism and always seek to improve my abilities as an official 	<ul style="list-style-type: none"> ▪ <i>Recognize his/her own level of competence and respect more experienced intervenors</i> ▪ <i>Respect areas of expertise, experience and opinions of others</i> ▪ <i>Maintain his/her knowledge current and attend update training</i>
		<ul style="list-style-type: none"> ▪ Share my knowledge of the rules and their interpretation with the other participants in order to promote the growth of my sport 	<ul style="list-style-type: none"> ▪ <i>Contribute to the sport development through sharing his/her knowledge and experience</i>
	Fair Play	<ul style="list-style-type: none"> ▪ Apply the rules with objectivity and impartiality, in a fair manner, with judgement 	<ul style="list-style-type: none"> ▪ <i>Respect the application of the rules despite objections from participants</i> ▪ <i>Treat all equitably</i>
		<ul style="list-style-type: none"> ▪ Show honesty in my relationships with other participants and declare any potential conflict of interest 	<ul style="list-style-type: none"> ▪ <i>Help create an environment that is conducive to sportsmanship</i>
	Authority	<ul style="list-style-type: none"> ▪ Fulfill my functions within the limits of my authority and abilities 	<ul style="list-style-type: none"> ▪ <i>Respect the relevant authorities</i> ▪ <i>Refrain from critiquing the authorities</i> ▪ <i>Intervene within the limits of their authority during the competition and file a report to the proper authorities about any situation they judge unacceptable</i>

Code of Conduct

Disciplinary measures should be
based on a legal power



Have a Code of Conduct

Setting out the Standard of Behavior

Positive:

Expectations, Model Behavior

- ▶ “Failure” is a Breach
- ▶ Deviations:
 - One-time may = sanction
 - Repeat offense = sanction
 - Slips may be forgiven
- ▶ More flexibility or discretion

Negative:

“Thou Shall Not”

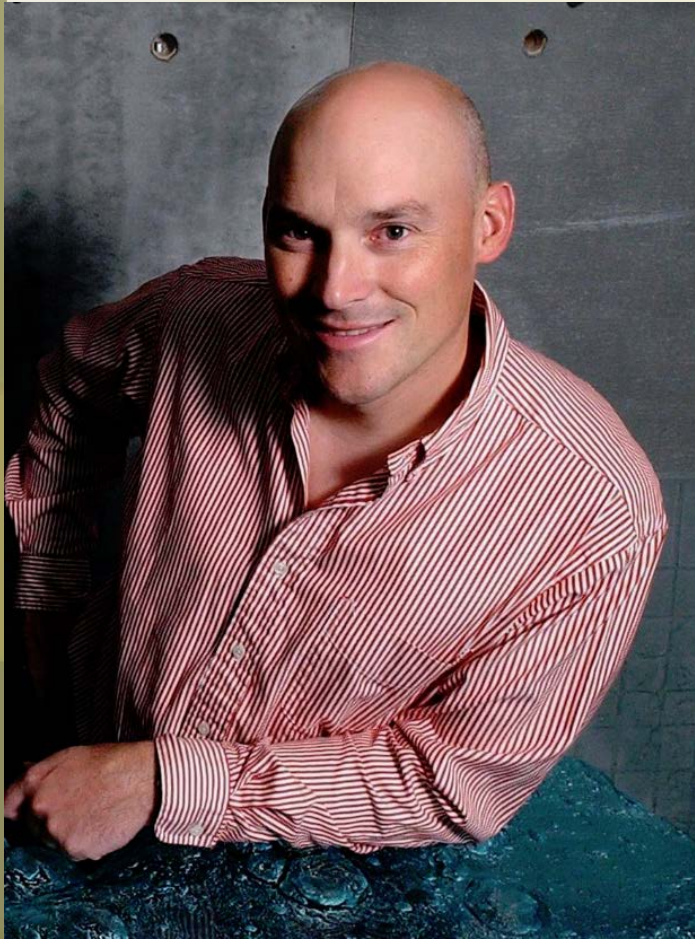
- ▶ “Doing” is a Breach
- ▶ Deviations:
 - One-time = sanction
 - No matter circumstances
 - Obligation to sanction
- ▶ Less flexibility or discretion

Harassment and Abuse :

Particularities

The Profile of a Predator





How can you tell them apart?

Recognize “Grooming”

Grooming is a process used by an individual to prepare a child, significant adults around the child, in order to abuse the child.

Access and Control / Opportunity

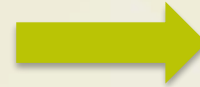
Environment

Child

Source: Canadian Centre for Child Protection

High Risk Behaviors

- Consistently crossing boundaries, sexual or not
- Resisting policy compliance (transporting, invite to their house, communicating, socializing, partying with youth)
- Spend most of their free time with the youth
- Difficulty with self-control
- Emotionally needy

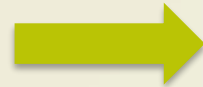


Meeting the
Needs of the
Child, not of
the Adult

Source: Canadian Centre for
Child Protection

The Hot Spots

- Locker rooms
- Showers
- Changing area
- Away tournaments /competitions
- Extended stays
- Transportation
- Parties/alcohol consumption



Rule of Two
(or “Open and
Observable”)

Source: Canadian Centre for
Child Protection

Policy Writing Principles

The Essentials

Maltreatment (Gretchen Kerr, U of Toronto, 2019)

TYPE OF HARM	SEXUAL ABUSE	PSYCHOLOGICAL ABUSE	PHYSICAL ABUSE	NEGLECT	BULLYING	HARASSMENT
DEFINITION	Any sexual interaction with person(s) of any age within a dependency relationship that is perpetrated against the victim's will, without consent, or in an aggressive, exploitative, coercive, manipulative, or threatening manner	Repeated non-physical harmful interactions within a critical relationship	Contact or non-contact behaviour within a critical relationship that has the potential to cause physical harm	<p>Acts of omission</p> <p>Lack of reasonable care, inattention to needs, nurturing or well-being</p> <p>Failure to provide for basic needs or to protect from harm or potential harm</p>	Repeated physical, verbal or psychological acts carried out by a person who holds perceived power over the victim. These acts can occur in person or online (cyberbullying).	Comments, conduct, actions or gestures that are insulting, intimidating, humiliating, malicious or offensive.

Policy: Scope of Application

- Who is subject to it?

- Coaches, officials, administrators, parents, athletes?

- Who is protected by it? 

- When are these behaviors prohibited?

- Field of play, change rooms, parking lot, during travel to and from events, social events, on social media, all the time?

- Who has the authority to sanction?

- Investigator, disciplinary committee, Board of Directors?

Other Considerations

- **Prior criminal convictions**
 - Are they automatically recognized? For what? In what context?
- **Provisional measures**
 - Can/should you protect complainant and other potential victims?
- **Consequences / sanctions**
 - Defined in the policy or at the discretion of the decision-maker?

***“A Code of Conduct
without Sanctions
has the same effect
as empty words”***

Dealing with Breaches

Informal Approach:

- ▶ A verbal comment
- ▶ A private discussion with the member
- ▶ A written warning

Formal Approach:

- ▶ Sanctions
- ▶ Disciplinary process
- ▶ Respecting rules of natural justice

Classification of Breaches

<i>Serious</i>	<i>Formal Approach*</i>	<i>Formal Approach</i>	<i>Formal Approach with Permanent Consequence</i>
<i>Minor</i>	<i>Informal Approach</i>	<i>Informal Approach with Written Notice</i>	<i>Formal Approach</i>
	<i>First Breach</i>	<i>Second Breach</i>	<i>Third Breach</i>

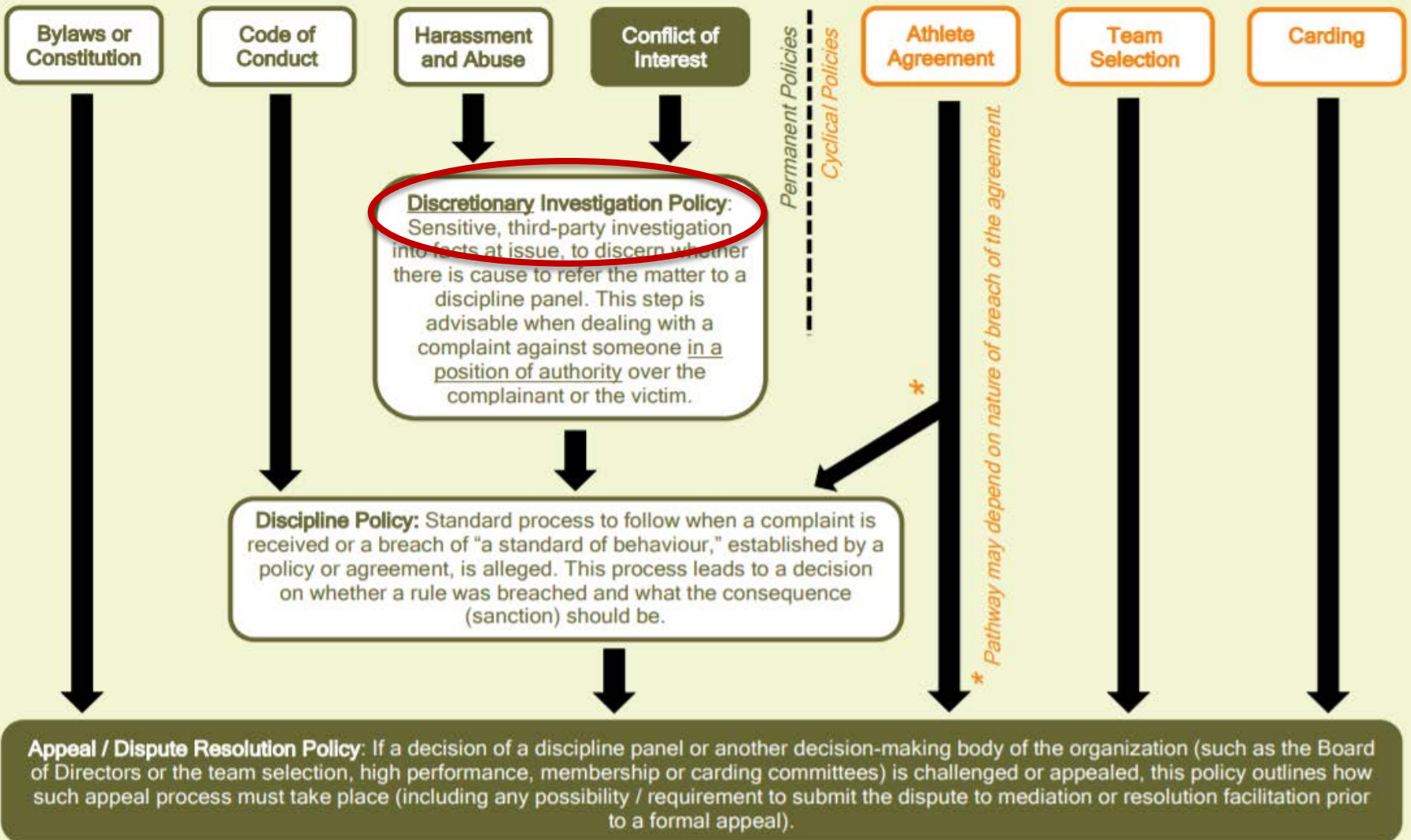
* **Egregious behavior** may warrant **permanent consequences** on the **first breach**.

The Code Establishes:

- ▶ The Expected Behavior
- ▶ The Consequences of Breaches

The Disciplinary Policy Establishes:

- ▶ The Process to Follow to Deal with Breaches
- ▶ Who has the Authority to Impose a Sanction
- ▶ General Timelines for a Timely Process



Bylaws or Constitution

Code of Conduct

Harassment and Abuse

Conflict of Interest

Athlete Agreement

Team Selection

Carding

Discretionary Investigation Policy: Sensitive, third-party investigation into facts at issue, to discern whether there is cause to refer the matter to a discipline panel. This step is advisable when dealing with a complaint against someone in a position of authority over the complainant or the victim.

Discipline Policy: Standard process to follow when a complaint is received or a breach of "a standard of behaviour," established by a policy or agreement, is alleged. This process leads to a decision on whether a rule was breached and what the consequence (sanction) should be.

Appeal / Dispute Resolution Policy: If a decision of a discipline panel or another decision-making body of the organization (such as the Board of Directors or the team selection, high performance, membership or carding committees) is challenged or appealed, this policy outlines how such appeal process must take place (including any possibility / requirement to submit the dispute to mediation or resolution facilitation prior to a formal appeal).

Permanent Policies
Cyclical Policies

* Pathway may depend on nature of breach of the agreement.

When to Investigate?

=> **Vulnerability**

Age
Disability
Authority



Dependence
for basic
needs

Implementation

Best practices

Reporting Complaints and Investigations

Best Practices

- ▶ Independent & Anonymous Reporting
- ▶ Preliminary Screening (admissibility?)
- ▶ When to Investigate
- ▶ Qualified & Independent Investigators
- ▶ Clearly Defined Scope of Investigator's Mandate

SINCE MARCH 2019



First safe call / confidential

Operators = psychologists/counselors

REFERRALS ONLY (to police, child protection, sport organization, etc.)

No “teeth” / No reporting / No action (except as required by law) : onus is on caller to take next steps

SINCE DECEMBER 2018



Selected / credentials validated

Received orientation on context of federated sports

Remuneration Policy: only NSOs

Others: no guarantee on remuneration conditions

Right to a Hearing Prior to Being Sanctioned

- ▶ Inform member of allegations (**fully**)
- ▶ Give opportunity to reply to allegations
- ▶ Right to a representative
- ▶ Right to a FAIR hearing
- ▶ Right to a TIMELY hearing
- ▶ Right to a decision with reasons

5 Units

- ▶ Fairness in Decision-making
- ▶ Case Management
- ▶ The Hearing
- ▶ The Decision
- ▶ The Human Factor



Sport Law Connect Program

BC Pilot

- ▶ Volunteer Law Students, Mediators and Arbitrators
- ▶ Trained to adapt ADR to reality of federated sports
- ▶ Can Facilitate Resolution / Sit as Panel Members or as Sole Adjudicator
- ▶ viaSport BC = designated provincial administrator

Multiple Levels of Authority



Municipality
/ Venue?

League

Team

Criteria for Mutual Recognition

Setting Minimum Standards



- ▶ Definitions / Prohibited Behaviors
- ▶ Guidelines to deal with Breaches
 - Investigations / Disciplinary procedures / Standards of proof
- ▶ Range of Sanctions
 - Discretionary Powers of Panel
- ▶ Monitoring / Oversight for Uniform Application

***“Sanctions
without Enforcement
have the same effect
as empty words”***

Code of Ethics Trickles-down to Enforcing Sanctions

Code of Ethics

Code of Conduct

Disciplinary Measures

Enforcing Sanctions

Reinforcing the Message

“an ounce of prevention...”

Extra Disciplinary Measures

Education, Awareness and Buy-In

- ▶ Inform New Members of Code of Conduct
 - Orientation and training
 - Buy-in and sign-off*
- ▶ Frequency of “reminders”

* “I acknowledge to have read, to have understood and to agree to [...]”

Extra Disciplinary Measures

“Reward Good Behavior”

- ▶ Congratulate Publicly the Good Deeds by your Members
 - Newsletters and/or social media
- ▶ Offer Perks for Members with Impeccable Records
 - Points system
- ▶ Create an Award to Recognize the Role Models

Affordable Training Resource



Commit to Kids for Coaches: eLearning Module

This training module addresses the importance of understanding boundaries, sexual misconduct, and reporting and will help coaches enhance athlete safety.

Earn **2 professional development points** towards NCCP maintenance of certification.

Take the eLearning Module today
protectchildren.ca/coach



is a program of



CANADIAN CENTRE FOR CHILD PROTECTION
Enfance en danger, Enfant en danger



Questions?

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