

HARASSMENT & ABUSE POLICY AND PROCEDURES

Approved by the Board
Date: May 8, 2015

Recognition and Prevention of Abuse Policy

This policy sets out the principles and practices of Taekwondo Manitoba with regard to abusive behaviour towards participants.

Relationship to Harassment Policy

Some behaviours that are defined as abuse when directed towards a child or youth may constitute harassment when directed towards a peer or when perpetrated between adults. Taekwondo Manitoba's Harassment Policy covers such behaviours.

Together, the two policies address the spectrum of abusive and harassing behaviours.

Policy Statement

Taekwondo Manitoba is part of the sporting community in our country that is committed to seeking better ways to keep our youth safe. Protecting participants from all forms of abuse and neglect, whether emotional, physical or sexual, is an important element of safety. Taekwondo Manitoba considers any form of abuse or neglect to be unacceptable and will do all it can to prevent this intolerable social problem. To this end, Taekwondo Manitoba will promote awareness of all forms of abuse and neglect by providing educational materials and programs for participants, parents, volunteers, and members. Through the use of these strategies, Taekwondo Manitoba will send a clear message to all potential abusers and sexual predators that taekwondo participants are not easy targets. Taekwondo Manitoba is committed to the highest possible standards of care for its participants.

Abuse Policy

It is the policy of Taekwondo Manitoba that there shall be no abuse and neglect, whether physical, emotional or sexual of any participant in any of its programs. Taekwondo Manitoba expects every parent, volunteer and member to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment.

Definitions of Abuse

Child abuse: is any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust. In Manitoba a child is considered any person under the age of 18.

Emotional Abuse: Emotional abuse is a chronic attack on a child's self-esteem; it is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the child's needs.

Physical Abuse: Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing and shoving, grabbing, hazing, or excessive exercise as a form of punishment.

Neglect: Neglect is chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. This may occur in our sport when injuries are not adequately treated or participants are made to play with injuries, weight loss or gain is required to “make weight”, equipment is inadequate or unsafe; no one intervenes when teammates are persistently harassing another participant, or road trips are not properly supervised.

Sexual Abuse: Sexual abuse is when an older child, adolescent or adult for his or her own sexual stimulation or gratification, takes advantage of a young person. See Appendix A for categories of contact and no-contact sexual abuse.

Duty to Report

Abuse and neglect are community problems requiring urgent attention. Taekwondo Manitoba is committed to help reduce and prevent the abuse and neglect of participants. Taekwondo Manitoba realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore these people have a particular reporting responsibility to ensure the safety of Manitoba’s young, by knowing their provincial protection acts and following through as required. Manitoba has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently, it is the policy of Taekwondo Manitoba that any Taekwondo Manitoba personnel (part-time and full-time staff, coaches, volunteer, participant, team official,) or Taekwondo Manitoba partner (parent, guardian) who, has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and neglect and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. In Manitoba a child is considered anyone under the age of 18. Those involved with Taekwondo Manitoba in providing opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence and thereby, failure to provide safety for participants may render the adult who keeps silent legally liable for conviction under the provincial child protection acts and/or subject to Taekwondo Manitoba’s Discipline policy.

Those involved with Taekwondo Manitoba in providing taekwondo opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence and thereby, failure to provide safety for participants may render the adult who keeps silent legally liable for conviction under the provincial child protection acts.

TAEKWONDO MANITOBA HARASSMENT POLICY

This policy sets out the principles and practices of Taekwondo Manitoba with regard to harassing behaviour.

Relationship to Recognition and Prevention of Abuse Policy

Some behaviours that might be described as harassment when directed towards an adult, may constitute abuse when directed towards a child or youth by any person with power or authority over the person harassed. Taekwondo Manitoba's Recognition and Prevention of Abuse Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive and harassing behaviours.

Policy Statement

To foster an environment and culture that does not tolerate harassment of any kind, including of a sexual nature, Taekwondo Manitoba is committed to creating and maintaining a sport environment in which all individuals are treated with respect and dignity. Each individual has the right to participate in an environment that promotes equal opportunities and prohibits discriminatory practices. More particularly, Taekwondo Manitoba is committed to providing a sport environment free from harassment on the basis of race, nationality or ethnic origin, religion, political beliefs, age, sex, sexual orientation, marital status, family status, or disability. Harassment on the basis of any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada. Harassment is offensive, degrading, and threatening. Harassment can be an offence under the Canadian Criminal Code. Whether the harasser is a director, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another. It is the policy of Taekwondo Manitoba that harassment in all its forms will not be tolerated. All persons in positions of authority with Taekwondo Manitoba are expected to take appropriate action when harassment occurs. Taekwondo Manitoba encourages the reporting of all incidents of harassment, regardless of who may be the offender. Individuals whose conduct is found to constitute harassment as defined in this policy will face disciplinary action. In order to further these aims, Taekwondo Manitoba will make every reasonable effort to promote awareness of the problem of harassment among all its members and to respond swiftly and effectively to complaints or disclosures of harassment.

Scope of this Policy

This policy applies to all directors, officers, volunteers, coaches, athletes, officials, administrators, parents, members and participants who are under the jurisdiction of Taekwondo Manitoba. It applies to harassment that may occur during the course of all Taekwondo Manitoba business, activities and events. It also applies to matters outside of Taekwondo Manitoba business, activities, and events when such harassment adversely affects relationships with the Taekwondo Manitoba work and sport environment. Notwithstanding the procedures in this policy, every person who experiences harassment continues to have the right to seek assistance from the Canadian Human Rights Commission and under the Criminal Code of Canada, even when steps are being taken under this policy. The Executive Committee is responsible for overseeing

the procedures set out in this policy and will, at all times, ensure that such procedures are carried out in a timely manner.

Definitions

Complainant: Anyone who thinks, and makes it known that he or she has been subjected to the misconduct of a director, volunteer, coach, athlete, official or member of Taekwondo Manitoba during the course of Taekwondo Manitoba business, activities or events.

Respondent: The individual accused of the action(s), which the Complainant thinks, constitutes harassment.

Harassment: A form of conduct that is cruel, intimidating, humiliating, offensive or physically harmful. Types of behaviour that constitute harassment could include, but are not limited to:

- hostile verbal and non-verbal communications;
- condescending, patronizing, threatening or punishing actions that undermine self-esteem or diminish performance;
- unwelcome remarks and/or jokes, innuendo or teasing about a person's looks, body, attire, age, ethnic or national origin, religion, sex or sexual orientation;
- leering or other suggestion or obscene gestures
- practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- any form of hazing;
- any form of physical assault;
- sexual harassment, as defined in this policy;
- the display of visual material which is offensive or which one ought to know is offensive
- behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative or hostile environment; or
- retaliation or threats of retaliation against an individual who reports harassment.

It is not just the conduct itself that makes certain behaviour inappropriate, but the context or way in which it is delivered or its repetitive nature. This conduct makes the environment around the individual cold, hostile, or alienating or as some human rights legislation and case law state, the environment is chilly or "poisoned". Any behaviour, which contributes to, supports or condones such an environment, is harassing.

Sexual harassment: Unwelcome sexual remarks or advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

- submitting to or rejecting this conduct is used as the basis for making decisions that affect the individual; or
- such conduct has the purpose or effect of interfering with an individual's performance; or
- such conduct creates an intimidating, hostile or offensive environment.

Procedures for Receiving and Responding to a Complaint

A person who thinks he or she has been subjected to conduct which constitutes harassment under this policy (the Complainant) and/or any person who witnessed harassment, is encouraged to make it known to the other person responsible for the conduct (the Respondent) that the behaviour is unwelcome, offensive and contrary to this policy. If confronting the person is not possible or if after confronting the person the behaviour continues, the person who has experienced the harassment, who has witnessed the harassment, or who believes that harassment has occurred should report the matter to an "official" of Taekwondo Manitoba.

For the purposes of this policy, an official is any person in a responsible staff or volunteer position. Once an incident is reported, the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents or guardians of the incident (if the person who has experienced the harm is a minor), and assisting in an informal resolution of the complaint, where this is appropriate. If the official considers that he or she is unable to act in this capacity, the complaint will be referred to another official who is able and willing to assist.

Fact-Finding

If informal resolution of the complaint is not appropriate or possible, and if the person who has experienced or witnessed the harassment, or who believes that harassment has occurred decides to pursue a formal written complaint, the official will refer the complaint to a designated Taekwondo Manitoba Harassment Officer. The harassment officer will assist the individual in preparing a formal written complaint and will provide a copy to the Executive Committee. Once the complaint has been reported to the Executive Committee, the harassment officer will then gather facts surrounding the incident by speaking directly with the complainant and the respondent, and any witnesses who, in the opinion of the official, might have relevant facts or observations about the incident. The respondent will also be allowed an opportunity to provide a written statement to the harassment officer. The process of fact-finding will be carried out in a timely manner and the results summarized in a written report that will be provided to the Executive Committee within 21 days of receiving the formal written complaint, along with any written statement prepared by the respondent. Upon receiving this report and any written statement, the Executive Committee will decide if the complaint should be dealt with informally, in which case it will direct the appropriate response and the matter will then be concluded. It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed. If it is determined that allegations of harassment are false, vexatious, retaliatory or frivolous, there may be disciplinary action taken against the complainant.

Taekwondo Manitoba recognizes that not all incidents of harassment are equally serious in their consequences. Harassment covers a wide spectrum of behaviours, and the response to harassment must be equally broad in range, appropriate to the behaviour in question and capable of providing a constructive remedy. There must be no summary justice or hasty punishment. The process of investigation and settlement of any complaint of harassment must be fair to all parties, allowing adequate opportunity for the presentation of a defence to the charges. Minor incidents of harassment (e.g.: inappropriate jokes) should be corrected promptly and informally, taking a constructive approach and with the aim of bringing about a change in negative attitudes and behaviour. More serious incidents (e.g.: a course of repeated taunting,

any form of sexual or physical assault) should be dealt with according to the association code of conduct and discipline policy guidelines. Complaints should be handled in a timely, sensitive, responsible and confidential manner. There should be no tolerance of reprisals taken against any party to a complaint. The names of parties and the circumstances of the complaint should be kept confidential except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Procedures for Reviewing Complaints

If the Executive Committee determines from the report that the complaint should be dealt with more formally, it will within 14 business days of receiving the written fact-finding report appoint three unbiased individuals to serve as a Panel, and will appoint one of these individuals to serve as the Chairperson of the Panel. Both genders will be represented on the Panel. Unbiased panel members shall not have a significant relationship with the complainant or respondent, shall have had no involvement with the incident being investigated, and shall be free from actual or perceived bias or conflict. At the discretion of the Executive Committee, the investigation by the harassment officer may be waived and a Panel appointed within 35 days of receipt of a formal complaint. The Executive Committee will then, at its sole discretion, and having regard to the nature of the complaint and the potential seriousness of the outcome, determine which of the following procedures will be used by the Panel to review the complaint (these procedures are listed from the least formal to the most formal):

- The Panel will review the statement of the complainant, the statement of the respondent and the report of the harassment officer and will then render a decision; or
- The Executive Committee will appoint an outside investigator who will conduct a formal investigation of the incident and will provide a written report to the Panel. The Panel will consider this report, as well as the statements of the complainant and the respondent, and the report of the harassment officer, and will then render a decision; or
- The Executive Committee will appoint an outside investigator who will conduct a formal investigation of the incident and will provide a written report to the Panel. The Panel will review this report at a hearing with the complainant and respondent present, may ask questions of the complainant and respondent, and may allow the complainant and respondent to ask questions of each other. Following the hearing, the Panel will render its decision; or
- The Panel will convene a hearing involving the complainant, respondent and witnesses. The complainant and respondent will have an opportunity to present evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the Panel will render its decision; or
- Any other appropriate combination of the above hearing methods.

Hearing

If a hearing is being convened, the Panel will hold the hearing within 30 days after the Panel has been appointed.

The Panel will govern the hearing, as it deems appropriate in the circumstances, provided that:

- Members of the Panel shall select from among themselves a chairperson;
- A quorum shall be all three Panel members;
- Decisions shall be by majority vote where the chairperson carries a vote;
- A representative may accompany the parties;
- The hearing will be held in private;
- The parties will be given 14 days written notice of the day, time and place of the hearing;
- The Respondent will receive a copy of the formal complaint;
- The Complainant and Respondent will each receive a copy of the harassment officer's report;
- Both the Complainant and Respondent will be present at the hearing to respond to the harassment officer's report, give evidence and to answer questions of the Panel. The hearing may proceed in the absence of either or both parties;
- The harassment officer may attend the hearing at the request of the Panel;• The Panel may request that witnesses to the incident be present or submit written evidence;
- Once appointed, the Panel has the authority to abridge or extend timelines associated with all aspects of the hearing;
- In the event that one of the Panel's members is unable or unwilling to continue with the hearing, the matter will be concluded by the remaining two Panel members who will make their decision unanimously. If a unanimous decision cannot be reached, a new panel/hearing will be convened. In order to keep costs to a reasonable level the Panel may conduct the hearing by means of a telephone conference.

Interim Measures

The Executive Committee may impose interim measures pending the investigation and dispositions of a complaint, if the Board of Directors is of the view that the imposition of such measures is in the best interest of the Complainant. Interim measures are not sanctions, and they may take many forms, including but not limited to:

- a) The imposition of conditions upon the continued participation of the Respondent in the activities of Taekwondo Manitoba, such as but not limited to:
 - i. work activity limited to administrative duties
 - ii. work with different athletes
 - iii. perform duties under direct supervision at all times

Reluctant Complainant

At any point the complainant may become reluctant to continue with these procedures and decide to withdraw the complaint.

They may for example: have pressure on them from other sources, or they may become frightened and/or embarrassed. Should this happen:

- It will be at the sole discretion of the Executive Committee to nonetheless continue the review of the complaint in accordance with this policy
- If the Executive Committee believes that harassment or abuse has occurred or is occurring, then they must continue the process, even if the complaint has been withdrawn.

Decision

After reviewing and deciding any matter, the Panel will present its findings within 21 days of the hearing in a report to the Executive Committee with a copy provided to both the complainant and respondent. This report will contain:

- a summary of the relevant facts;
- a determination as to whether the complaint constitutes harassment as defined in this policy;
- disciplinary action to be taken against the Respondent, if the acts constitute harassment;
- measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment. If the Panel determines that allegations of harassment are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary action against the complainant. The decision of the Panel will be final and binding upon the complainant, respondent and Taekwondo Manitoba, subject only to the provisions of Taekwondo Manitoba's Appeals Policy.

Discipline

In directing disciplinary action, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment and other aggravating and mitigating circumstances:

- Written apology;
- Letter of reprimand from Taekwondo Manitoba;
- A fine or levy;
- Referral to counselling; • Removal of certain privileges of membership with Taekwondo Manitoba;
- Suspension from participation in events;
- Loss of funding;
- Expulsion from membership;
- Publication of the decision;
- Any other sanction that the Panel considers appropriate in the circumstances. Unless the Panel decides otherwise, any disciplinary sanctions will take effect immediately.

Confidentiality

Taekwondo Manitoba recognizes the sensitive and serious nature of harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Taekwondo Manitoba will do so. Any allegation of emotional, physical or sexual abuse or neglect involving a minor will be reported to the Child Protection Authorities or the police.

It is also the policy of Taekwondo Manitoba to allow publication of the decision of the Panel, where the acts complained of constitute harassment and where the Panel directs publication as part of its decision.

APPENDIX A

Expanded Definition and Differences & Similarities of Harassment and Abuse

Sexual Abuse: Sexual abuse is when an older child, adolescent or adult for his or her own sexual stimulation or gratification, takes advantage of a young person.

There are two categories:

Contact – which could include:

- touched or fondled in sexual areas
- forced to touch another person's sexual areas
- kissed or held in a sexual manner
- forced to perform oral sex
- vaginal or anal intercourse
- vaginal or anal penetration with an object or finger
- sexually oriented hazing

Non-Contact – which could include:

- obscene remarks on phone/computer or in notes
- voyeurism
- shown pornography
- forced to watch sexual acts
- sexually intrusive questions and comments
- forced to pose for sexual photographs or videos
- forced to self-masturbate or forced to watch others masturbate

Harassment and Abuse – Differences and Similarities

	Abuse	Harassment
Types	Emotional, physical, sexual, lack of care	Emotional, physical, sexual; may be motivated by racial or other forms of prejudice
Victim	Any person under age of majority as determined by Provincial and Person of any age; may be male or female	Person of any age; may be male or female
Offender	Any person who has power or authority over victim and/or breeches trust; may be male or female	May be peer or person with power or authority over adult victim; may be male or female
Investigation	External to organization; referred to child welfare or police	Most often internal unless referred to police in cases of suspected physical or sexual assault or criminal harassment (stalking)
Follow-up actions	Determined by Provincial and Territorial Child Protection Acts and Criminal Code; civil suits may also occur	Determined by organization's harassment policies, Criminal Code, labour tribunals, civil action and/or Provincial Human Rights Tribunals; may be used concurrently or alone
Philosophy	The victim is not to blame; offenders are responsible for their behaviour	The victim is not to blame; offenders are responsible for their behaviour