



**RUGBY CANADA
HARASSMENT AND BULLYING POLICY**



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INTRODUCTION

This policy sets out the principles and practices of Rugby Canada with regards to abusive behaviour towards participants. Each Provincial Union is responsible for adopting a similar policy and adapting it to provincial, regional or local requirements as appropriate.

Relationship to Harassment and Bullying Policy

Some behaviours which are defined as abuse, when a child or youth's protection is at risk, can also constitute harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries. Rugby Canada's Harassment/Bullying Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive, bullying and harassing behaviours.

Statement of Purpose

Rugby Canada 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. Rugby Canada considers any form of abuse or neglect to be unacceptable and will do all it can to prevent this intolerable social problem.

Policy

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

RECOGNITION AND PREVENTION OF ABUSE POLICY

Definitions of Abuse

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care, which 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. Across Canada a person is considered a child up to the age of 16 to 19 years depending on provincial/territorial legislation.

Note: The following are the basic definitions of a child for Canada's various jurisdictions. Those marked with * also use regulations which modify the definition. For complete information, consult "Speak Out! Act Now! A Guide for preventing and responding to Abuse and Harassment for Sports Clubs and Associations", pp. 52-79

British Columbia	Any person under 19 years of age
Alberta	Any person under 18 years of age
*Saskatchewan	Any unmarried person under 16 years of age
Manitoba	Any person under 18 years of age
*Ontario	Any person under 18 years of age
Quebec	Any person under 18 years of age
*New Brunswick	Any person under 19 years of age



Nova Scotia	Any person under 16 years of age
Prince Edward Island	Any person under 18 years of age
*Newfoundland	Any unmarried person under 16 years of age
*Northwest Territories	Any person under 18 years of age
*Yukon	Any person under 18 years of age

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, 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 rugby when injuries are not adequately treated or players are made to play with injuries, equipment is inadequate or unsafe, no-one intervenes when team members are persistently harassing another player, or road trips are not properly supervised.

Sexual Abuse

Child sexual abuse occurs when an adult or adolescent uses a child for sexual purposes. It involves exposing a child to any sexual activity or behaviour.

Duty to Report

Abuse and neglect are community problems requiring urgent attention. Rugby Canada is committed to help reduce and prevent the abuse and neglect of participants. Rugby Canada 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 Canada's young, by knowing their provincial protection acts and following through as required.

Every province and territory in Canada, except the Yukon, has mandatory reporting laws regarding the abuse and neglect of children and youth; the Yukon requests that concerns be reported. Consequently, it is the policy of Rugby Canada that any Rugby Canada personnel (part-time and full-time staff, volunteer, participant, team official, on field official) or Rugby Canada 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. Across Canada a person is considered a child up to the age of 16 to 19 years depending on provincial legislation.



Those involved with Rugby Canada in providing rugby 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.

By educating our National body, Provincial Representatives and local rugby association personnel, Rugby Canada is weaving a tighter safety web around our most precious resources... the players!

RUGBY CANADA HARASSMENT AND BULLYING POLICY

This Policy sets out the principles and practices of Rugby Canada regarding harassment and bullying. Each Provincial Union is responsible for adopting a similar policy, adapting it to provincial, regional and local requirements as appropriate.

Relationship to Recognition and Prevention of Abuse Policy

Some behaviours, which are defined as harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries, can also constitute abuse, when a child or youth's protection is at risk. Rugby Canada's Recognition and Prevention of Abuse Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive, bullying and harassing behaviours.

Statement of Purpose

Rugby Canada is committed to providing a sport and work environment, which promotes equal opportunities and prohibits discriminatory practices and bullying.

Harassment is a form of discrimination, which is prohibited by human rights legislation in Canada. Bullying involves a person expressing their power through the humiliation of another person. Bullying may be a form of harassment but also has some of its own defining characteristics. The sport setting is one setting in which bullying occurs. In some cases coaches and players use bullying tactics deliberately to motivate performance and to weaken opponents.

Rugby Canada supports the right of all its stakeholders, whether athletes, volunteers or employees, to participate in all Rugby Canada activities free from any form of harassment and bullying. Further, Rugby Canada emphasizes the importance of eliminating harassment and bullying in rugby as a key element in ensuring the safety of young participants. A sports environment, which actively discourages harassment and bullying and builds relationships based on trust and mutual respect, is an environment which discourages the abuse of children and youth, and encourages the overall development of the individual.

In order to further these objectives, Rugby Canada will make every reasonable effort to promote awareness of the problem of harassment and bullying among all its members, and to respond quickly and effectively to complaints or disclosures of harassment or bullying.



Policy

It is the policy of Rugby Canada that harassment and bullying in all its forms will not be tolerated during the course of any Rugby Canada activity or program. Accordingly, all Rugby Canada personnel (staff, volunteers, team or on-field officials) and partners (parents, guardians) are responsible for making every reasonable effort to uphold this commitment. Specifically, this includes refraining from harassing or bullying behaviour, responding promptly and informally to minor incidents of harassment or bullying and following local or national policy guidelines for reporting or responding to more serious complaints of harassment or bullying. Players and other participants are expected to refrain from harassing or bullying behaviour and are encouraged to report incidents of harassment or bullying.

Definition of Harassment

Harassment is defined as conduct, gestures or comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals, and which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions. Any of the different forms of harassment must be based on the grounds prohibited in human rights legislation, such as race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation.

Harassment may occur among anyone between peers (e.g. player to player of the same age group, parent to official, coach to coach) or between someone in a position of power or authority and an adult in a subordinate position (e.g. coach to player, sports administrator to employee).

The following is a non-exhaustive list of examples of harassment:

1. Unwelcome jokes, innuendo or teasing about a person's body, looks, race, sexual orientation etc.
2. Condescending, patronizing, threatening or punishing actions which undermine self-esteem
3. Practical jokes which cause awkwardness or embarrassment, or may endanger a person's safety
4. Degrading or inappropriate hazing rituals
5. Unwanted or unnecessary physical contact including touching, patting, pinching
6. Unwanted conduct, comments, gestures or invitations of a sexual nature which are likely to cause offence or humiliation, or which might on reasonable grounds be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or advancement
7. Sexual assault or physical assault

It is important to note that the behaviours described in items 5 to 7, when directed towards a child or youth, constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices. In such cases, the duty to report provisions of the Recognition and Prevention of Abuse Policy are applicable.

Definition of Bullying

Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights legislation. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets. Bullying most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or between adults. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying.



The law does not address the actual issue of bullying, except when the behaviour does become a criminal issue – e.g. extortion, physical assault etc. Bullying can be broken down into four types:

- Physical (hit or kick victims; take/damage personal property)
- Verbal (name calling; insults; constant teasing)
- Relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person)
- Cyber bullying

The following is a non-exhaustive list of tactics used by bullies to control their targets:

1. Unwarranted yelling and screaming directed at the target
2. Continually criticizing the target's abilities
3. Blaming the target of the bullying for mistakes
4. Making unreasonable demands related to performance
5. Repeated insults or put downs of the target
6. Repeated threats to remove or restrict opportunities or privileges
7. Denying or discounting the targets accomplishment
8. Threats of and actual physical violence

Responses and Remedies

It is the position of Rugby Canada that harassment and bullying cannot and should not be tolerated in any environment. Both harassment and bullying are unacceptable and harmful. Rugby Canada recognizes the serious negative impact of all types of harassment and bullying on personal dignity, individual and group development and performance, enjoyment of the game and in some cases, personal safety.

At the same time, Rugby Canada recognizes that not all incidents of harassment and bullying are equally serious in their consequences. Both harassment and bullying cover a wide spectrum of behaviours, and the response to both 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 or bullying must be fair to all parties, allowing adequate opportunity for the presentation of a response to the allegations.

Minor incidents of harassment or bullying should be corrected promptly and informally, taking a constructive approach and with the goal of bringing about a change in negative attitudes and behaviour.

More serious incidents should be dealt with according to the Provincial Union (if applicable) or National 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.

Anyone making a complaint, which is found to be clearly unfounded, false, malicious or frivolous may be subject to discipline.

Procedures for handling complaints brought against national employees or volunteers of Rugby Canada are detailed below, in the section entitled **Rugby Canada Harassment and Bullying Complaint Procedures**.



RUGBY CANADA HARASSMENT AND BULLYING COMPLAINT PROCEDURES

Note: For convenience in this policy the term “Complainant” refers to the person who experiences harassment/bullying, even though not all persons who experience harassment or bullying will make a formal complaint. The term “Respondent” refers to the person against whom a complaint is made.

Application

1. This policy applies to all Rugby Canada directors, officers, employees, coaches, players, volunteers and any individual conducting business on behalf of the organization. It applies to harassment and bullying that may occur during the course of all Rugby Canada business, activities and events.
2. This policy does not apply to harassment and/or bullying that may occur under the jurisdiction of Provincial Rugby Unions. Provincial Unions are responsible for adopting and implementing a policy similar to and consistent with this policy for handling harassment and bullying issues within their respective jurisdictions.

Minor Instances of Harassment and Bullying

3. This policy does not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes a minor incident of harassment or bullying.

Reporting Harassment and Bullying

4. A person who experiences harassment or bullying is encouraged to make it known to the alleged harasser or bully that the behaviour is unwelcome, offensive and contrary to the policies of Rugby Canada.
5. If confronting the alleged harasser or the bully is not possible, or if after confronting the alleged harasser or bully the harassment or bullying continues, the Complainant should request a meeting with an official of Rugby Canada. For the purposes of this policy, an “Official” is any Rugby Canada Senior Management employee, the Chairman of the Board or designate or other individual occupying a position of authority within Rugby Canada.
6. Where a third party person believes that a director, officer, employee, volunteer or any individual conducting business on behalf of Rugby Canada has experienced or is experiencing harassment or bullying and reports this belief to an Official, the Official will meet with the person said to have experienced harassment or bullying and proceed in accordance with these procedures.
7. Once contacted by a Complainant or a third party, the role of the Official is to serve in a neutral, unbiased capacity in receiving the complaint and, where appropriate, assist in the informal resolution of the situation. If the Official considers that he or she is unable to act in this capacity, the Complainant will be referred to another suitable Rugby Canada Official.
8. Where an Official believes there is sufficient evidence to warrant making a formal complaint but the Complainant does not wish to do so, the Official may make a formal complaint and proceed in accordance with these procedures.



Receiving of Complaint

9. Once a complaint is received the Official will listen to the complaint and receive the information to support the claim. The Official will explain the Rugby Canada procedure and outline the remedies available to the complainant. The Official will document the meeting.

Complaint Procedure

10. After the initial meeting with the Complainant, the Official can make the following determinations:
 - a) It may be determined by the Official that the conduct does not constitute harassment or bullying as defined in this policy, in which case the matter will be closed;
 - b) It may be decided that the alleged conduct constitutes harassment or bullying within the definition of this policy. If so, the Complainant can choose to pursue one or both of the following options:
 - The Complainant may decide to pursue an informal resolution of the complaint, in which case a mediator agreed upon by both the Complainant and the Respondent will assist the two parties to negotiate or mediate an acceptable resolution of the complaint;
 - If the Complainant chooses not to pursue Mediation with the Respondent, or if the Mediation was unable to produce an acceptable resolution, the Complainant may decide to file a formal written complaint, in which case the Official will receive the written complaint and will advise the Chief Executive Officer of Rugby Canada ("CEO") or his/her designate, who will appoint an independent individual ("Investigator") to conduct an investigation of the complaint. Note: In the event the complaint involves the CEO of the organization, the Official is to advise the Chairman of the Board, who will follow the same procedure as outlined above; in this case, the Chairman shall be substituted for the CEO in the following procedure.
11. The Respondent shall be provided with a copy of the complaint if the alleged conduct would constitute harassment or bullying within the definition of this policy.

Investigation

12. The Investigator will carry out the investigation in a timely manner. At the conclusion of the investigation the Investigator will submit a written report to the CEO, or designate, which will include a recommendation that either:
 - a) No further action be taken because the complaint is unfounded or the conduct has failed to be determined as behaviour which falls within Rugby Canada's definition of harassment or bullying; or,
 - b) The complaint has merit and should proceed to a hearing.



13. Within ten (10) business days of receiving the written report of the Investigator that recommends that there be a hearing, the CEO, or designate, will appoint three individuals to serve as a Panel.
14. With the agreement of all parties (the Complainant, the Respondent, and the CEO, or designate), the investigation may be waived and a Panel appointed within ten (10) business days of receipt of a formal complaint.

Hearing

15. The Panel will hold a hearing into the complaint within fifteen (15) business days of its appointment.
16. The Panel has discretion to govern the hearing in the manner it deems appropriate, provided that it adheres to the following guidelines.
 - a) Members of the Panel shall select from among themselves a Chairperson;
 - b) A quorum shall be all three Panel members;
 - c) Decisions shall be by majority vote;
 - d) 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 shall make their decision unanimously;
 - e) Should the remaining two panel members not arrive at a unanimous decision, the matter will be referred to a newly constituted panel;
 - f) Once appointed, the Panel has the authority to abridge or extend timelines associated with all aspects of the hearing;
 - g) The parties shall be given ten (10) business days written notice of the day, time and place of the hearing;
 - h) The hearing shall be held in private;
 - i) The Complainant and Respondent shall each receive a copy of the Investigator's report;
 - j) Both the Complainant and Respondent are requested to be present at the hearing (either in person or via telephone). The hearing may not proceed in the absence of either or both parties;
 - k) The parties may be accompanied by a representative;
 - l) Both the Complainant and the Respondent will be given the opportunity to make oral and written submissions to the panel;
 - m) The Complainant and the Respondent shall respond to the Investigator's report, give evidence and answer questions as requested by the Panel;
 - n) The Investigator may attend the hearing at the request of the Panel;
 - o) The Panel may request that witnesses to the alleged incident be present or submit written evidence;
 - p) The parties may request that witnesses to the alleged incident be present;
 - q) The parties may request the opportunity to cross-examine the witnesses;
17. In order to keep costs to a reasonable level the Panel may conduct the hearing by means of a telephone conference.



Decision

18. Within ten (10) business days of the conclusion of the hearing, the Panel will deliver its written Decision to the CEO or designate, the Complainant and Respondent. This Decision will contain:
 - a) A summary of the relevant facts;
 - b) A determination as to whether the acts complained of constitute harassment or bullying as defined in this policy;
 - c) Disciplinary action against the Respondent, if the acts constitute harassment or bullying.
 - d) In addition, the decision may contain measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment or bullying.
19. If the Panel determines that the allegations of harassment or bullying are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary sanctions against the Complainant.
20. Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.
21. The decision of the Panel will be final and binding upon the Complainant, the Respondent and Rugby Canada. Appeals to this process must be carried out according to the process outlined below.

Appeals

22. Both the Complainant and the Respondent shall have the right to appeal the decision of the Panel. A notice of intention to appeal, along with the grounds for appeal, must be provided to the CEO of Rugby Canada within 72 hours of the Complainant or Respondent as applicable receiving the Panel's report. The notice must include the grounds upon which the decision is being appealed.
23. Appeals may only be made on the following grounds:
 - The investigation was conducted in an unfair or biased manner contrary to the rules of natural justice;
 - Panel members did not follow the procedure set out in this policy;
 - Members of the Panel were biased or acted in an unfair manner;
 - Panel members reached a decision, which could not be supported by the evidence;
 - Panel members reached a decision, which was grossly unfair or unreasonable.
24. The appeal shall be heard by an Appeal Board appointed by the CEO of Rugby Canada comprised of:
 - One representative of Rugby Canada
 - One representative of the Canadian Centre for Ethics in Sport
 - One outside individual not associated with Rugby Canada
25. The other party will be notified if a notice of appeal is received. They will be provided with the grounds of the appeal and the opportunity to submit their response to the notice of appeal.
26. The panel will hold a hearing into the complaint within ten (10) business days of its appointment.



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27. The Panel has discretion to govern the hearing in the manner it deems appropriate, provided that it adheres to the guidelines noted in 28.
 28. The decision of the Appeal Board will be based on a review of the documentation regarding the complaint, including the statements of the Complainant and Respondent, the report of the Investigator, the decision of the Panel and the notice of appeal.
 29. In deciding the Appeal, the Appeal Board may uphold the decision of the Panel, reverse the decision of the Panel and/or modify any of the Panel's recommendations for disciplinary action or remedial measures.
 30. The decision of the Appeal Board shall be final and binding.

Record Keeping and Confidentiality

31. The CEO of Rugby Canada shall keep a secure record of the Panel report and any appeal proceedings. The record shall contain all relevant documents including but not limited to:
 - A copy of the original complaint and report
 - Responses to the complaint
 - Terms of reference of the investigator
 - Interim measures (if any)
 - Witness statements
 - Investigator's report
 - Mediated solution (signed agreement)
 - Decision of the Panel
 - Sanctions imposed (if any)
 - Any other related correspondence
 - Any appeal(s) (if any)
 - Decision of the Appeal board
32. To the extent possible the above documents and documents resulting from a violation of the Harassment and Bullying Policy will be held in confidence by Rugby Canada. However, no absolute guarantee of confidentiality may be made by Rugby Canada. Circumstances in which information may be shared include:
 - When criminal conduct may be involved;
 - When it is believed necessary to protect others from harassment or bullying;
 - When required to ensure fairness or natural justice in the procedures in this policy;
 - In the course of an investigation by a law enforcement agency;
 - To protect the interests of Rugby Canada; or,
 - When required by law.
33. Rugby Canada recognizes the sensitive nature of harassment and bullying matters and in particular, the difficulties associated with coming forward with a complaint of harassment or bullying and with being accused of harassment or bullying. Rugby Canada recognizes the interests of both the Complainant and the Respondent in keeping any matter being dealt with under this policy confidential, except where disclosure is required by a disciplinary proceeding or by law.