

Manitoba Rowing Association -Harassment/Abuse Policy Guidelines
Adopted: February 1997

INTRODUCTION

The following guidelines have been prepared to set out principles and practices of the Manitoba Rowing Association (MRA) and Member Clubs regarding harassment and abuse, including sexual harassment and child abuse. The MRA supports the principle that all athletes, regardless of age, sex or race, should have the opportunity to take part in rowing activities in a safe, fair environment.

The guidelines will assist the MRA and Member clubs in dealing with harassment, sexual harassment and abuse issues.

POLICY STATEMENT

It is the policy of the MRA that every member of the Association can expect to be afforded a rowing environment free of harassment and abuse and to be treated with respect. All participants will be protected regardless of their age, gender, ancestry, place of origin, religion, color, ethnic origin, citizenship, creed, sexual orientation, disability, marital status, or family status, from harassment or abuse by any other participants (volunteers, coaches, athletes, officials) with whom they may have contact.

The MRA is committed to providing a quality sport experience for all its members. Therefore, the Association does not tolerate any form of harassment or abuse, i.e.: zero tolerance.

Neither will the MRA accept a hostile environment. This may be defined as an atmosphere of tolerance for behavior, language or treatment of individuals which undermines their personal power, creates personal discomfort or jeopardizes their aspirations to achieve their personal goals within the Association.

The MRA will act quickly on any complaint of harassment and abuse with the goals of resolving the situation fairly and of preventing future occurrences.

The MRA will be proactive in ensuring that the membership is aware of all participants' rights and obligations as outlined in this policy.

DEFINITIONS

Harassment

The Manitoba Human Rights Code defines harassment as a course of abusive and unwelcome conduct or comment that is directed at individuals because of a group to which they belong or appear to belong.

In addition, Harassment may be related to any of the discriminatory grounds contained in the Canadian Human Rights Act. Such behavior may be verbal, physical, deliberate, unsolicited or unwelcome; it may be one incident or a series of incidents. While the following is not an exhaustive list, harassment may include:

- verbal abuse or threats;
- unwelcome remarks, jokes, innuendoes of taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc.;
- displaying of pornographic, racist or other offensive or derogatory pictures;
- practical jokes which cause awkwardness or embarrassment;
- unwelcome invitations or requests, whether indirect or explicit, or intimidation;
- leering or other gestures;
- condescension or paternalism which undermine self - respect;
- unnecessary physical contact such as touching, patting, pinching, punching;
- physical assault

Sexual Harassment

Harassment can also be a series of objectionable and unwelcome sexual solicitations or advances.

For the purpose of these guideline, sexual harassment is deemed to include:

1. Unwanted sexual attention of persistent or abrasive nature made by a person who knows or ought, reasonably, to know that such attention is unwanted; or
2. A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny and benefit to, the recipient of the solicitation or advance; or
3. A reprisal, or a threat or implied threat of reprisal, for rejecting a sexual solicitation or advance; or
4. A course of abusive and unwelcome conduct or comment made on the basis of sex, or sexual orientation, when it has the purpose or effect of creating an intimidating, hostile or offensive environment in which the person works.

Sexual Harassment can normally be characterized as two general kinds of actions:

- an action taken by an individual that is offensive to another person; and /or
- an offensive action that continues after it has been requested that this action cease.

Although sexual harassment has typically involved a female victim, both males and females can be harassed by members of either sex. Sexual Harassment also typically involves a person in a superior position as the initiator, it should be recognized that people in subordinate or equal positions may also be initiators. (I.e. peer to peer)

Child Abuse

The Manitoba Child and Family Services Act defines abuse as an act or omission of a parent or guardian of a child or of a person having care custody, control or charge of child where the act or omission results in:

- i) physical injury to the child
- ii) emotional disability of a permanent nature in the child or is likely to result in such a disability, or
- iii) sexual exploitation of the child with or without the child's consent.

The focus of this legislation includes situations involving a parent, guardian, teacher, baby-sitter, day care worker, coach, group leader or anyone having a position or trust with the child.

Neglect:

Neglect occurs when a primary caregiver endangers a child's welfare by failing to provide for physical, emotional, or medical needs.

Physical Abuse:

Physical Abuse is any intentional non-accidental injury of a child.

Emotional Abuse:

The damaging by whatever means, of a child's self - image by an adult responsible for the child's nurturing or learning, resulting in a decrease in the child's feeling of personal worth, and thus in his ability to love, to trust and to feel at one with the human race.

* Emotional disability is extremely difficult to define and prove, especially when dealing with the relationships between, coach and participant, participant and participant, etc. (i.e. most relationships found in a sport and recreation environment). The attached procedures do not deal with this issue because of the difficulties involved in definitely identifying emotional disability.

Sexual Abuse:

Sexual abuse is the use of a child for sexual purposes by an adult, or allowing of such use of a child by a parent, caretaker, or legal guardian. It includes any manual, oral, or genital sexual contact or the use of an object for sexual touching or penetration or any either explicitly sexual behavior that an adult imposes on a child by exploiting the child's vulnerability.

Sexual abuse is both a child welfare matter and a criminal offense. Any allegation or suspicion of sexual abuse must be reported to Child and Family Services and the police.

Child Abuse Registry

The Director of Child and Family Services maintains a child abuse registry. The Child and Family Services Act, Articles 19 (1) to Article 19.5 (1) outlines reporting procedures appeal procedures, etc.

MANITOBA ROWING ASSOCIATION POLICY

HARASSMENT - GENERAL AND SEXUAL

Procedures

- 1) Persons who experience harassment of any nature are encouraged to make it known to the harasser that the behavior is offensive and contrary to the Association's policy. If the person cannot make the behavior known to the harasser, or, if after confronting the harasser, the harassment continues, report the incident to:
 - the President of the Manitoba Rowing Association;
 - any member of the MRA Board of Directors;
 - any MRA staff person;

Individuals are encouraged to report incidents of harassment. Individuals who bring the incidents(s) to the attention of the Manitoba Rowing Association will receive the full support of the MRA. Complaints will be addressed in a sensitive, responsible and timely manner.

- 2) Individuals receiving complaints of this nature should
 - Document the conversation, recording in as much detail in as much detail as possible;
 - Report in the incident to the President of the MRA and provide a copy of all documentation.
- 3) The MRA shall assign ongoing investigation of the complaint to one individual (the investigation officer) whom, through all steps of the investigation shall keep the committee informed of the progress of the investigation.
- 4) Depending on the seriousness of the complaint, the MRA may remove the respondent from the situation in question. The respondent may still be involved in other aspects of the sport (i.e.: being suspended from coaching may not affect the respondent's ability to compete).
- 5) The investigation officer shall as soon as possible, but in any event, within thirty days of receipt of the complaint, file a report to the President and Board of Directors, setting out all of the information obtained as well as copies of all documentation filed by both parties and recommending that:
 - no further action be taken because a settlement has been reached; or
 - the arbitration process be initiated

A copy of the report shall be sent to the complainant and the respondent.

- 6) In the event that the recommendation is to begin the arbitration process. The procedure outlined in the Sport Manitoba Guidelines will be followed.
- 7) Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court or through the Manitoba Human Rights Commission, or both, in addition to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or to be conducted by any outside agency.

B) ABUSE of Children

This section deals with abuse and outlines procedures to follow when a complaint involves an individual under 18 years of age. However, if any individual 18 years of age or older has been physically or sexually assaulted, the assault should be reported to the police immediately.

Once a complaint of physical or sexual abuse involving a child under 18 years of age has been made, the following steps should be followed;

- 1) If complainant is:
 - a parent or guardian - inform individual that they should contact the police and Child and Family Services immediately, provide them with number to call and follow up to ensure a report has been filed;
 - an individual under 18 years of age - ask if parent or guardian has been informed and, if the individual is not able to inform the parent or guardian, inform the individual that you will inform the police and Child and Family Services immediately;
 - an individual who refuses to disclose his or her identity, inform the police and Child and Family Services immediately.

NOTE: Inform the complainant that their identity will not be disclosed if they report the incident and that all individuals who report incidents of child abuse are protected under the Child and Family Services act (18.1(1)) if the information is provided in good faith.

- 2) Document the incident, recording as many details as possible

- 3) Notify the designated person in the Association, and provide a copy of your documentation. The President must be informed of the situation at this time.
- 4) The accused should be removed from the situation in question and not be allowed to involved in any other similar circumstances, pending resolution of the complaint.

NOTE: Once a referral is made to Child and Family Services and the police, they have primary responsibility to notify the alleged offender. It is not recommended that the Association notify the accused.

- 5) The provincial organization must ensure the complainant's participation is in no way compromised as a result of filing the complaint. The established selection/participation process at the specific level of participation must not be altered.
- 6) If the complaint is determined to be invalid, the accused should be immediately re-instated into the activities of the organization should he/she wish to continue their participation.

NOTE: The Association must, at this time, determine whether reinstatement includes retroactive payment (if suspended without pay) or if the salary recommence at the time of reinstatement.

Reprisal

As part of their right to freedom from harassment and abuse, participants are protected from reprisal or threat of reprisal.

Reprisal may include situations in which a member is:

- denied or threatened with denial of promotional advancement, training, competition or other related opportunities or benefits (e.g.: team selection.);
- disciplined or threatened with disciplinary action.

SITUATIONS WHEN HARASSMENT AND ABUSE ARE CLAIMED

When the MRA is faced with an incident in which both harassment and abuse are claimed, the abuse procedures take precedence. The Association's responsibility is the protection of the child.