

## DEFINITIONS

*The terms defined below shall apply to all policies included in this Safe Sport Manual.*

1. *“Affected Party”* – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right
2. *“Appellant”* – The Party appealing a decision
3. *“Appeal Manager”* – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the *Appeal Policy*. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*
4. *“Athlete”* – Includes any individual who is a registered to compete for the Organization or a Member
5. *“Board”* – The Board of Directors of the Organization or a Member (as applicable)
6. *“Case Manager”* – An independent individual (or individuals) appointed by the Organization to receive and administer complaints under the *Discipline and Complaints Policy*
7. *“Committee Member”* – an individual elected or appointed to a committee as a member of a committee of the Organization or a Member (as applicable)
8. *“Conflict of Interest”* – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Organization, is influenced or could be influenced by personal, family, financial, business, or other private interests
9. *“Complainant”* – the Party making a complaint
10. *“Criminal Record Check (CRC)”* – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
11. *“Days”* – Days including weekends and holidays
12. *“Director”* – An individual elected or appointed to act as a Director of the Organization or a Member (as applicable)
13. *“Discipline Chair”* – An individual appointed to handle the duties of the Discipline Chair as described in the *Discipline and Complaints Policy*
14. *“Discrimination”* – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability
15. *“Enhanced Police Information Check (E-PIC)”* – a Criminal Record Check plus a search of Local Police Information, available from Sterling Backcheck
16. *“Event”* – An event sanctioned by the Organization or by a Member
17. *“Harassment”* – A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - a) Written or verbal abuse, threats, or outbursts;
  - b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;

- d) Leering or other suggestive or obscene gestures;
  - e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - f) Practical jokes which endanger a person's safety, or may negatively affect performance;
  - g) Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
  - h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - i) Deliberately excluding or socially isolating a person from a group or team;
  - j) Persistent sexual flirtations, advances, requests, or invitations;
  - k) Physical or sexual assault;
  - l) Contributing to a poisoned sport environment, which can include:
    - i. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
    - ii. Groups where harassing behaviour is part of the normal course of activities
    - iii. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
  - m) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
  - n) Retaliation or threats of retaliation against a person who reports harassment to the Organization or to a Member.
18. *"Individuals"* – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization and in the Bylaws of a Member, as well as all people employed by, contracted by, or engaged in activities with the Organization or a Member including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
19. *"Local Police Information (LPI)"* – Additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought
20. *"Maltreatment"* – A volitional act by an Individual that results in harm or the potential for physical or psychological harm to another Individual, and includes any of the following behaviours or conduct:
- a) Psychological Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes:
    - i. Verbal Acts: verbally assaulting or attacking an Individual, including, but not limited to, unwarranted personal criticisms; body shaming; derogatory comments related to an Individual's identity (e.g., race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about an Individual to diminish their reputation; using confidential sport and non-sport information inappropriately. Verbal Maltreatment may also occur in online forms.
    - ii. Non-Assaultive Physical Acts (no physical contact): physically aggressive behaviours, including, but not

limited to, throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.

iii. Acts that Deny Attention or Support: acts of commission that deny attention, lack of support or isolation including, but not limited to, ignoring psychological needs or socially isolating an Individual repeatedly or for an extended period of time; abandonment of an Athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

- b) Physical Maltreatment: any pattern or single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of an Individual. Physical Maltreatment is determined by the objective behaviour, and not whether harm is intended or results from the behaviour. It includes, without limitation:
- i. Contact behaviours: including, but not limited to, deliberately punching, kicking, beating, biting, striking, strangling or slapping another; deliberately hitting another with an object.
  - ii. Non-contact behaviours: including, but not limited to, isolating an Individual in a confined space; forcing an Individual to assume a painful stance or position for no athletic purpose (e.g., requiring an Athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an Individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an Individual; encouraging or knowingly permitting an Athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an Athlete to perform a skill for which they are known to not be developmentally ready.
- c) Sexual Maltreatment, including, but not limited to, any act targeting an Individual's sexuality, gender identity or expression, that is committed, threatened or attempted against that person, and includes, but is not limited to, the Criminal Code offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples of Sexual Maltreatment include, but are not limited to:
1. Any penetration of any part of a person's body, however slight, with any object or body part by a person upon another person, including, but not limited to:
    1. vaginal penetration by a penis, object, tongue, or finger; and
    2. anal penetration by a penis, object, tongue, or finger.
  2. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including, but not limited to:
    1. kissing;
    2. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
    3. any contact, no matter how slight, between the mouth of one person and the genitalia of another person;

4. making a person touch themselves or someone else with or on any of the body parts listed in 2); and
  5. any intentional touching in a sexualized manner.
- d) Neglect: any pattern or a single serious incident of lack of reasonable care, inattention to an Individual's needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the Individual's needs and requirements, not whether harm is intended or results from the behaviour. Neglect, or acts of omission, include without limitation, not providing an Athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an Individual's physical or intellectual disability; not considering supervision of an Athlete during travel, training or competition; not considering the welfare of the Athlete when prescribing dieting or other weight control methods; disregarding the use of prohibited substances by an Athlete; failure to ensure safety of equipment or environment; allowing an Athlete to disregard sport rules, regulations, and standards, or subjecting Individuals to the risk of Maltreatment.
- e) Grooming: includes, without limitation, deliberate conduct by an Individual to sexualize a relationship with a Minor, and which includes making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' which have been professionally identified to Canadian standards (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult participants sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel; and providing gifts).
- f) Interference with or manipulation of process:
- i. An adult Individual violates the *Code of Conduct and Ethics* by directly or indirectly interfering with a process instituted pursuant to this Code or any other policy found in the *Safe Sport Policy Manual* by:
    1. falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
    2. destroying or concealing information;
    3. attempting to discourage an Individual's proper participation in or use of the processes of the Organization or a Member;
    4. harassing or intimidating (verbally or physically) any person involved in the processes of the Organization or a Member before, during, and/or following any proceedings;
    5. publicly disclosing an Individual's identifying information, without the Individual's agreement;
    6. failing to comply with any temporary or provisional measure or other final sanction;
    7. distributing or otherwise publicizing materials an Individual gains access to during any investigation or hearing, except as required by law or as expressly permitted; or
    8. influencing or attempting to influence another Individual to interfere with or manipulate the process.
- g) Retaliation: An Individual shall not take an adverse action against any other Individual for making a good faith report of possible Maltreatment or for participating in any process found in a policy included in the *Safe Sport Policy Manual*. Retaliation includes threatening, intimidating,

harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of the Organization or a Member. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no Maltreatment occurred. Retaliation does not include goodfaith actions lawfully pursued in response to a report of possible Maltreatment. h) Aiding and abetting:

i. Any act taken with the purpose of facilitating, promoting, or encouraging the commission of Maltreatment by an Individual. Aiding and abetting also includes, without limitation, knowingly:

1. allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct Individuals;
2. providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
3. allowing any Individual to violate the terms of their suspension or any other sanctions imposed.

- i) Failure by an adult Individual to report actual or suspected Maltreatment of a Minor: This obligation is ongoing and is not satisfied by making an initial report; instead, this obligation includes reporting to the Organization or a Member, on a timely basis, all relevant information that the adult Individual is or becomes aware of, and requires making a direct report to the Organization or a Member. Any report shall include the personally identifying information of the potential Minor complainant (to the extent known), and any such information learned at a later date.
- j) Failure to report inappropriate conduct: Any Individual who suspects or becomes aware of another Individual's inappropriate conduct, even if it is not defined as Maltreatment, has a duty to report such inappropriate conduct to the Organization or a Member. Individuals in positions of trust and authority who become aware of another Individual's inappropriate conduct have a responsibility for reporting the concern within their organization's policies and procedures.
- k) Intentionally filing a false allegation: An allegation is false if the events or conduct reported did not occur and the Individual making the report knows that the events or conduct did not occur. An Individual shall not be considered to have filed a false allegation in cases where the allegation cannot be substantiated by supporting evidence but was nevertheless filed in good faith.

21. "*Members*" – Leagues, clubs and other groups that are members of the Organization

22. "*Minor*" – Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of majority. For the purpose of protection in Newfoundland and Labrador, the age of majority is defined as 19 years old

23. "*Non-Pecuniary Interest*" - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss

24. "*Organization*" – The Provincial Sport Organization

25. "*Parties*" – the groups involved with the particular dispute. In the *Discipline and Complaints Policy*, the Parties are the Complainant and Respondent. In the *Appeal Policy*, the Parties are the Appellant, Respondent, and any Affected Party

26. "*Pecuniary Interest*" - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated

27. *"Person in Authority"* – Any Individual who holds a position of authority within the Organization or a Member including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers
28. *"Respondent"* – The party responding to a complaint or, in the case of an appeal, the body whose decision is being appealed
29. *"Sexual Harassment"* – A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- a) Sexist jokes;
  - b) Threats, punishment, or denial of a benefit for refusing a sexual advance;
  - c) Offering a benefit in exchange for a sexual favour;
  - d) Demanding hugs;
  - e) Bragging about sexual ability;
  - f) Leering (persistent sexual staring);
  - g) Sexual assault;
  - h) Display of sexually offensive material;
  - i) Distributing sexually explicit messages or attachments such as pictures or video files;
  - j) Sexually degrading words used to describe an Individual;
  - k) Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;
  - l) Inquiries or comments about an Individual's sex life;
  - m) Persistent, unwanted attention after a consensual relationship ends;
  - n) Persistent unwelcome sexual flirtations, advances, comments or propositions; and
  - o) Persistent unwanted contact.
30. *"Social media"* – The catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.
31. *"Vulnerable Individuals"* – Includes Minors and vulnerable adults (people who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority);
32. *"Vulnerable Sector Check (VSC)"* – A detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, Local Police Information, and the Pardoned Sex Offender database
33. *"Worker"* – Any person who performs work for the Organization or a Member including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors.
34. *"Workplace"* – Any place where business or work-related activities are conducted. Workplaces include, but are not limited to, the office of the Organization or a Member, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment, and workrelated conferences or training sessions
35. *"Workplace Harassment"* – Vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training

function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to: a) Bullying;

- b) Workplace pranks, vandalism, bullying or hazing;
- c) Repeated offensive or intimidating phone calls or emails;
- d) Inappropriate sexual touching, advances, suggestions or requests;
- e) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- f) Psychological abuse;
- g) Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
- h) Deliberately withholding information that would enable a person to do his or her job, perform or train;
- i) Sabotaging someone else's work or performance;
- j) Gossiping or spreading malicious rumours;
- k) Intimidating words or conduct (offensive jokes or innuendos); and
- l) Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning.

36. "*Workplace Violence*" – The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:

- a) Verbal or written threats to attack;
- b) Sending to or leaving threatening notes or emails;
- c) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- d) Wielding a weapon in a Workplace;
- e) Hitting, pinching or unwanted touching which is not accidental;
- f) Dangerous or threatening horseplay;
- g) Physical restraint or confinement;
- h) Blatant or intentional disregard for the safety or wellbeing of others;
- i) Blocking normal movement or physical interference, with or without the use of equipment; j) Sexual violence; and
- k) Any attempt to engage in the type of conduct outlined above.

Policy History	
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