

NIAGARA ACADEMY OF TENNIS INC. aka NIAGARA ACADEMY and/or NIAGARA ACADEMY OF SPORTS, referred to in this document as: “NAS”

**Abuse & Harassment Policy Statement (December 2015)**

The objective of this policy is to provide a work environment that fosters mutual respect and working relationships free of abuse. Some behaviours that are defined as abuse can also constitute harassment when the behaviour breaches human rights or appropriate relationship boundaries. The Ontario Human Rights Code states that, “prohibited grounds of discrimination are those that are based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or handicap.

This policy applies to all employees of NAS, as well as consultants, volunteers, coaches, members, guests, athletes, officials, contractors, teachers, administrators, associated with specific NAS activities (collectively referred to in this policy as “participants” “employees” and/or “NAS”).

NAS prohibits and will not condone any form of abuse or neglect, whether physical, emotional or sexual, of any participant of any age in any of its programs. NAS expects every employee and participant to take all reasonable steps to safeguard the welfare of NAS employees and participants and to protect them from any form of maltreatment. NAS encourages the reporting of all incidents of abuse, regardless of who the offender may be.

Allegations of abuse or neglect will be dealt with in accordance with NAS’s complaint procedures as set out in this policy. This policy applies to abuse occurring during the course or in conjunction with any NAS business, activities or events.

Notwithstanding this policy, every person who experiences abuse continues to have the right to seek assistance from the police, their provincial child protection authority, and their provincial human rights commission, even when steps are being taken under this policy.

**Guidelines:**

- Abuse is any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage. Abuse may be perpetrated by an adult or a child, and the victim may be an adult or a child.
- Child abuse raises distinct issues and triggers unique legal obligations. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust by an adult over a child. In Ontario, a person is considered a child, for purposes of triggering a legal obligation to report child abuse, if this person is under 18 years of age.
- Physical abuse occurs when a person purposefully injures or threatens to injure another person. This may include slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or **excessive exercise as a form of punishment**.
- Emotional abuse is a chronic attack on a person’s self-esteem. It is psychologically destructive behaviour. It can take the form of, among other things, name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing, or ignoring the person’s needs.

- Sexual abuse is when a person, without their consent, is used by another person for his or her own sexual stimulation or gratification. Children under 14 are deemed not to consent to sexual touching by an adult. Children under 18 are deemed not to consent to sexual activity by an adult who is in a position of authority or trust. There are different types of sexual abuse, some of which involve physical contact, and some of which do not. Sexual abuse that does involve physical contact includes making obscene remarks, voyeurism, showing pornography, forcing a person to watch sexual acts, asking sexually intrusive questions or making sexually intrusive comments, and forcing a person to pose for sexual photographs or videos.
- 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 sport 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.**
- Abuse and neglect may be inflicted directly or indirectly, and through any means of communication through electronic communications.

## Responsibility

NAS President and its Supervisors, Managers, Coaches, Teachers and Administrators are responsible for the implementation of the policy and are responsible for:

- Ensuring that NAS appoints an Abuse and Harassment Officer(s). As of December 2015 NASs' Abuse & Harassment Officers are:  
Doug Carter: Tennis Director  
Ana Delgado: Managing Director
- Discouraging and dealing with abuse within NAS
- Ensuring that formal complaints of abuse are investigated in a sensitive, responsible, and timely manner.
- Imposing appropriate disciplinary or corrective measures when a complaint of abuse has been substantiated, regardless of the position or authority of the offender.
- Providing advice to persons who experience abuse.
- Doing all in their power to support and assist any employee or participant of NAS who experiences abuse by someone who is not an employee or participant at NAS.
- Making all employees and participants of NAS aware of the problem of abuse, including sexual abuse, and of the procedures contained in this policy.
- Informing both complainants and respondents of the procedures contained in this policy, and regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives.

Every employee and participant of NAS has a responsibility to play a part in ensuring that NAS sport and academic environment is free from abuse, by complying with this policy. Employees or participants of NAS against who a complaint of abuse is substantiated may be severely disciplined, up to and including employment dismissal or expulsion.

## **Confidentiality**

- NAS understands that it can be extremely difficult to come forward with a complaint of abuse and that it can be devastating to be wrongly convicted or accused of abuse. NAS recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
- However, abuse allegations must be dealt with in a forthright and fair manner. This includes an obligation to share relevant information with child protection authorities and police, and to be fair to the alleged abuser by providing sufficient information about the allegation that concerns them to enable them to respond properly. In many cases, this will mean that anonymity is not feasible or fair. However, employees and participants can be assured that NAS will take all possible steps to preserve confidentiality to the extent reasonably possible. Where information pertaining to allegations is disseminated, the status of the allegations as being allegations only should be articulated.

## **Reprisals and False Allegations**

- A person who makes a complaint of abuse, whether under this policy or otherwise, should not be penalized for doing so. Retaliation against an individual for having filed a complaint or for having participated in any procedure under this policy will not be tolerated and will be treated as a disciplinary offence.
- The making of false, frivolous or malicious allegations of abuse by another person will likewise be treated as a disciplinary offence.

## **Procedure Development**

- Individuals who believe they have been subjected to abuse, which includes discrimination or harassment, should immediately report the incident to NAS Abuse & Harassment Officer(s). All complaints will be promptly and thoroughly investigated. NAS will treat such complaints as confidentially as possible, releasing information to those with a need or right to know.
- Any person who observes or becomes aware of any discrimination or harassment should immediately advise NAS Abuse & Harassment Officer(s). No person should assume that NAS is aware of the problem.
- If an informal resolution is unacceptable, then the complainant may submit a written complaint to the NAS President and Abuse & Harassment Officer(s) for resolution.
- The NAS Abuse & Harassment Officer(s) will advise the parties of the options available for resolution of the complaint. The NAS President and Abuse & Harassment Officer(s) will investigate the complaint.
- NAS Officer(s) will prepare a report of findings, which will contain the relevant facts, the determination of whether there has been a case of discrimination or harassment, and if there has been a case of discrimination or harassment. The NAS President will send copies of the report to the complainant and to the respondent.
- The determination of the NAS President will be final.

## Procedures for Addressing Suspected Child Abuse

- The child protection authorities and/or police have prime responsibility for the investigation of allegations of child abuse and neglect. This means that any internal NAS investigation will generally be deferred or modified, pending the completion of a related child protection or police investigation. NAS will work cooperatively with the appropriate child protection authority and police and will share all information relevant to an investigation, to the extent permitted by law.

### Receiving a Complaint from a Child

- An initial disclosure of alleged child abuse must be received and responded to appropriately. Trauma may result from responses that seek to minimize or discount truthful disclosures. Some basics “dos and don’ts” for receiving a child’s disclosure are:  
DO:
  1. Listen to the child.
  2. Tell the child who must be notified.
  3. Reassure the child that the conduct described is not the child’s fault and that the child has done the right thing by disclosing.
  4. Speak to the child in private.
  5. Determine the immediate safety needs of the child, involving the child in this decision.

#### DON’T:

1. Lead or suggest answers to the child.
  2. Promise the child not to tell anyone.
  3. Criticize the child for how or when disclosure has been made.
  4. Bring the suspected perpetrator in to confront the child.
  5. Return the child to a risk laden situation.
- Where an employee or participant of NAS has reasonable grounds to suspect that a child has suffered or is at risk of likely suffering child abuse, he or she must report those suspicions and the information on which they are based directly to the provincial child protection authority. The reporting person may request that one or more representatives of NAS be present while he or she is making the report to the child protection authority.
  - The employee or participant must also immediately notify the NAS President or Officer(s), if the President is not available.
  - The President must immediately notify the child’s parents or guardians, unless it would be inappropriate to do so in the circumstances. It may be appropriate in some cases to seek the advice of the child protection authority prior to contacting the child’s parents or guardians.
  - The reporting person may need to ask questions of the child or of the child’s parent to clarify the nature of the complaint. Questioning should occur only until the point that the person has a reasonable suspicion that the child has been abused. Any further questioning constitutes investigation, which is the responsibility of the child protection authority or the police. Employees and participants of NAS must avoid interfering with the child protection or police investigation.

- The reporting person must document in writing all details of the report and provide a copy to the President. The President must inform the child protection authority that the suspicion has been reported, and keep a copy of the letter.
- The President shall consult with the child protection authority as to the best way to address the child's continued involvement in NAS activities. If appropriate, and shall follow up with the child protection authority to determine the outcome of the investigation.
- NAS shall ensure that support structures are in place for children who disclose alleged abuse.

### **When an Employee or Participant is Suspected**

- Where an employee or participant of NAS is suspected of conduct that may constitute child abuse, the President must be notified immediately and provided with all relevant information regarding the suspicion. Where the President is suspected of such conduct, the Abuse & Harassment Officer(s) must be notified.
- The subject matter of a complaint should not be discussed with the alleged perpetrator until specific instructions are received from the investigating police or child protection authority.
- Generally, where abuse has been alleged against an employee or participant, the individual should be removed from situations involving unsupervised access to children, pending determination as to whether abuse occurred. Depending on the circumstances, removal may involve reassignment to other duties, suspension with or without pay (if an employee), or immediate termination if, for example, abuse is admitted.
- The employee or participant's status should be reassessed upon completion of any police or child protection investigation, after any criminal charges are laid, after any criminal case is completed, and upon completion of any internal NAS investigation.
- Any employee or participant of NAS may initiate disciplinary proceedings against a suspected perpetrator of child abuse. However, the President and/or Abuse & Harassment Officer(s) struck must determine whether to defer its investigation or disciplinary proceedings until the child protection or police investigation is complete.
- Regardless of whether an employee or participant of NAS initiates disciplinary proceedings, the President must consider whether an internal NAS investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings. A criminal conviction or finding of guilt will justify disciplinary action, including termination of employment or contract. The need for a full internal investigation by NAS may thereby be unnecessary. However, an internal investigation may be required where no criminal investigation or prosecution is initiated, or where criminal charges are withdrawn, stayed or dismissed. This is a recognition that criminal charges involve a different burden of proof, and that different rules of admissibility are applicable in a disciplinary context.
- Any internal investigation conducted by NAS and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:
  1. Avoiding or reducing trauma to the child;
  2. Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
  3. Ensuring fairness to the NAS employee or participant against whom a complaint has been made.

## **When a Child is Suspected**

- Where an employee or participant of NAS who is a child is suspected of conduct that may constitute child abuse, the procedures outlined above apply, with necessary modifications. The child protection authority should be contacted about both the victim and the alleged perpetrator, and the parents of both the victim and the alleged perpetrator should be notified.
- The NAS Abuse & Harassment Officer(s) should review the available information to determine whether the alleged perpetrator may continue to participate in NAS activities pending investigation of the matter. Advice of the child protection authority or the police may be sought in this regard.
- A decision to permit the alleged perpetrator to continue to participate may be made if it is determined, after appropriate consultation, that the alleged perpetrator's continued involvement is unlikely to be detrimental to the physical or mental well-being of the alleged victim or witnesses or other employees or participants, and is in the alleged perpetrator's best interests. Reasonable conditions may be imposed.

## **Procedures for Addressing Abuse Other Than Child Abuse**

- Incidents of abuse other than child abuse can appropriately be divided into two categories: serious incidents of violence, and less serious incidents. In determining the seriousness of an incident, the totality of the circumstances should be considered, including:
  1. The nature of the conduct perpetrated;
  2. Whether the conduct would amount to a criminal offence;
  3. The impact, including physical and emotional harm, upon the victim and NAS community;
  4. The motivation or underlying causes for the conduct;
  5. The ages of the alleged perpetrator and victim;
  6. Whether the conduct is isolated or reflects a pattern of misconduct; and
  7. Whether the alleged perpetrator acted alone or with others.
- Uttering threats of serious bodily harm or death, criminal intimidation, assault causing serious bodily harm, sexual assault, arson, robbery, stalking, extortion, gang or group related violence, and hate motivated violence, will almost be regarded as serious.
- Fighting not resulting in bodily harm, some violent acts such as throwing objects, some threats and intimidation, and some inappropriate but not criminal behaviour may be regarded as less serious.

## **Serious Incidents of Violence**

- All serious incidents of violence shall be reported to the police and NAS President and/or Abuse & Harassment Officer(s).
- If a child is involved, the parents or guardians of the child must be contacted with the least possible delay. However, reporting to the police should not be delayed because of the unavailability of a parent or guardian.

- If, in the course of an investigation, the police need to speak to an employee or participant of NAS regarding alleged abuse, NAS will cooperate after being informed of the nature of the request.
- Any employee or participant of NAS may initiate disciplinary proceedings against a suspected perpetrator of a serious incident of violence. However, any Abuse & Harassment Officer(s) struck must determine whether to defer its investigation or disciplinary proceedings until the police investigation is complete.
- Regardless of whether an employee or participant of NAS initiates disciplinary proceedings, the President must consider whether an internal NAS investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings.
- Any internal investigation conducted by NAS and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:
  1. Avoiding or reducing trauma to the victim;
  2. Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
  3. Ensuring fairness to the NAS employee or participant against whom a complaint has been made.

### **Less Serious Incidents**

- Where a less serious incident of abuse is alleged, the allegations must be reported to the most senior employee of NAS present at the location of the incident or, if no employee is present, to an employee of appropriate seniority who is familiar with the alleged perpetrator and/or the victim. The employee must determine whether, in all the circumstances, the incident should immediately be reported to the Abuse & Harassment Officer(s) or President, for investigation, or whether the incident may properly be investigated and dealt with on the spot by the employee.
- If the incident is reported to the Officer(s) or President, he or she must consider whether an internal NAS investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings. Such an investigation will generally be informal and expeditious, given the nature of the allegations.
- If the incident is investigated and dealt with on the spot by the senior employee, the employee must provide a written incident report to the Officer(s) or President immediately thereafter, explaining the facts and the manner in which the incident was dealt with by the employee. If appropriate, the Officer(s) or President may initiate a further investigation or disciplinary proceedings.

This document was prepared and updated by Lezlie Murch, President of Niagara Academy of Tennis Inc. as of December 1, 2015.

Every employee and contractor of Niagara Academy of Tennis Inc. will be required to read this document, ask any questions, initial each page and sign a statement ensuring that the document has been read and understood. A hard copy will be kept in the main office, a 'pdf' on the Academy website and emailed to each employee and contractor.