

POLICY 15.1 ATHLETE PROTECTION

Preamble

Athletics New Brunswick views ethical conduct as a cornerstone in the fair administration of the sport of athletics. Everyone participating in athletics, including, but not limited to, an athlete, coach, official, associate, Integrated Support Team, administrator, volunteer, or staff member is entitled to participate in an environment that is free of *Maltreatment*.

Athletics New Brunswick recognizes that it has a responsibility to ensure a safe and welcoming environment that is free from *Maltreatment* within operations and activities related to athletics including but not limited to training, competition, and the *Workplace*. Athletics New Brunswick is committed to eliminating all instances of *Maltreatment* within operations and activities related to athletics throughout the province, particularly those that are directed toward athletes.

Athletics New Brunswick requires that all members and *Participants* in the sport of athletics otherwise governed or sanctioned by Athletics New Brunswick adhere to and uphold the principles of Athlete Protection and the Prevention of *Maltreatment* and to conduct themselves with the highest level of ethical conduct which include fairness, dignity, courtesy, personal responsibility and accountability, honesty, integrity, respect, and a doping-free sport.

The purpose of this policy is to ensure a safe and positive environment within Athletics New Brunswick's programs, activities, and events by making *Individuals* aware that there is an expectation, at all times, of appropriate and respectful behaviour consistent with Athletics New Brunswick's core values of physical and emotional health and fitness, individual excellence and personal growth, individual development beyond sport, inclusiveness, and integrity. Athletics New Brunswick supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all *Individuals* are treated with respect and fairness.

This policy is based upon the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) created by the Canadian sport community and upon the Athletics Canada Code of Conduct to Prevent and Address Maltreatment in Sport.

Athletics New Brunswick believes that eliminating *Maltreatment* in sport is vitally important. Complaints related to *Maltreatment* are addressed under the Athletics New Brunswick Policy 14.0 Association Complaint Procedure and Disciplinary Measures. Athletics New Brunswick considers a respectful and doping-free environment as paramount in promoting participation and competition in athletics.

The purpose of this policy is to:

- Ensure that *Individuals* understand the key terms and definitions that relate to this policy;
- Educate *Individuals* and create increased awareness and sensitivity in order to identify conduct that is in violation of this policy; and
- Prevent *Maltreatment*;

Application

This policy applies to *Individuals'* conduct during Athletics New Brunswick's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Athletics New Brunswick's activities, Athletics New Brunswick's office environment, and any meetings.

An *Individual* who violates this policy may be subject to sanctions. In addition to facing a possible sanction, an *Individual* who violates this policy during a competition may be ejected from the competition or the playing area, the official may delay the competition until the individual complies with the ejection, and the *Individual* may be subject to any additional discipline associated with the particular competition.

An employee of Athletics New Brunswick found to have violated this policy against any other employee, worker, contractor, member, customer, supplier, client, athlete, coach or other third party during business hours, or at any Athletics New Brunswick event, will be subject to appropriate disciplinary action. If an employee commits an act of violence, the police may be called depending on the nature and severity of the incident.

This policy also applies to *Individuals'* conduct outside of Athletics New Brunswick's business, activities, and events when such conduct adversely affects relationships within Athletics New Brunswick (and its work and sport environment) and is detrimental to the image and reputation of Athletics New Brunswick. Such applicability will be determined by Athletics New Brunswick at its sole discretion.

Maltreatment should not be confused with legitimate, reasonable management or coaching functions that are part of the normal work relationship or employee-employer relationship, such as:

- Performance measurements.
- Strategies taken to correct performance deficiencies such as placing a worker/employee on a performance improvement plan.
- Imposing discipline for work infractions or legitimate discipline pursuant to this policy; or
- Requesting medical documents in support of an absence from work as part of the accommodation process or as a part of understanding the care and treatment plan for an athlete.

General Principles and Commitment

Athletics New Brunswick promises to contribute to the physical, psychological, social, and mental health of *Individuals* of varying abilities, backgrounds and interests, and contributes to societal engagement and well-being. The Physical Activity and Sport Act states that:

“The Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including the treatment of all persons with fairness and respect, the full and fair participation of all persons in sport and the fair, equitable, transparent and timely resolution of disputes in sport.”

Only when sport environments are safe and inclusive can these values be realized.

Individuals should have the reasonable expectation when they participate in sport in Canada that it will be in an environment that is accessible, inclusive, respects their personal goals and is free from all forms of *Maltreatment*. *Maltreatment* in all its forms is a serious issue that undermines the health, well-being, performance and security of *Individuals*, communities, and society.

Maltreatment violates the integrity of individual(s) and undermines the principles endorsed by the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation through the Red Deer Declaration for the Prevention of Harassment, Abuse and *Discrimination* in Sport.

Maltreatment is unacceptable and fundamentally incompatible with the core values that lie

at the heart of Canadian sport as indicated in the Canadian Sport Policy, including being value-based, inclusive, technically sound, collaborative, intentional and effective.

The following principles will guide the determination of *Maltreatment* and imposition of sanctions:

- The *Maltreatment* in question violates the integrity of the *Participant* in question and undermines the values of Canadian sport.
- The sanctions imposed reflect the seriousness of the *Maltreatment* and the harm to those affected and the values of Canadian sport.
- Harmonized (applied to all *Participants* across Canada).
- Fair (procedural and substantive due process for all *Participants*).
- Comprehensive (all forms of *Maltreatment* and potential sanctions described).
- Expert-informed (the determination of *Maltreatment* and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law).
- Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization).
- Evidence-driven (evidence of *Maltreatment* required).
- Independent administration (free from all conflicts of interest).

Following the Safe Sport Working Group's consensus statements and the Pan-Canadian consultation held March to May 2019, all parties and organizations committed to the goal of Safe Sport have agreed that *Maltreatment* has no place in Canadian sport and, when present, must be sanctioned appropriately. The commitments expressed below reflect this common understanding amongst Canadian sport stakeholders:

- All *Participants* in sport can expect to play, practice and compete, work, and interact in an environment free from *Maltreatment*.
- Addressing the causes and consequences of *Maltreatment* is a collective responsibility and requires the deliberate efforts of all *Participants*, sport stakeholders, sport club administrators and organization leaders.
- *Participants* in positions of trust and authority have the general responsibility to protect the health and well-being of all other *Participants*.
- Adult *Participants* have a specific ethical and statutory duty and the additional responsibility to respond to incidents of *Maltreatment* involving *Minors* and other vulnerable *Individuals*.
- All *Participants* recognize that *Maltreatment* can occur regardless of age, sex, sexual orientation, gender identity or expression, race, ethnicity, Indigenous status, or level of physical and intellectual disability and their intersections. Moreover, it is recognized that those from traditionally marginalized groups have increased vulnerability to experiences of *Maltreatment*.
- All *Participants* recognize that *Individuals* who have experienced *Maltreatment* may experience a range of effects that may emerge at different time points and that can profoundly affect their lives.
- All adults working with children and youth have a duty to prevent or mitigate opportunities for misconduct.
- In recognition of the historic vulnerability to *Discrimination* and violence amongst some groups, and that continues to persist today, *Participants* in positions of trust

and authority have a duty to incorporate strategies to recognize systemic bias, unconscious bias, and to respond quickly and effectively to discriminatory practices.

Definitions

Boundary Transgressions: Interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the *Participant*.

Complainant: A *Participant* or observer who makes a *Report* of an incident of *Maltreatment* or suspicions of an incident of *Maltreatment*.

Consent: The communicated voluntary agreement to engage in the activity in question, by a person who has the legal capacity to consent. *Consent* regarding sexual activity is assessed in accordance with the laws of Canada, including the *Criminal Code*.

Dependency Relationship: is a relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust and fulfillment of needs, conducive to intimate physical or psychological connections, such as between a parent and child; teacher and student; coach and athlete, high performance director and athlete, sport science and medical support staff and athlete; billet or host family and athlete.

Disclosure: The sharing of information by a *Participant* regarding an incident or a pattern of *Maltreatment* experienced by that *Participant*. *Disclosure* does not constitute a formal *Report* that initiates a process of investigation to address the *Maltreatment*.

Discrimination: Behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual or class of *Individuals* based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds. Behaviour, policies, and/or practices specifically benefitting members of marginalized groups shall not be considered *Discrimination*. *Discrimination* does not include behaviour, policies and/or practices rationally connected to legitimate sport objectives with the honest and good faith belief that they are reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of an *Individuals* or a class of *Individuals* affected would impose undue hardship on the *Participant* and/or Adopting Organization that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives.

Grooming: Deliberate conduct by a *Participant* to sexualize a relationship with a *Minor* that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the *Grooming* process, the *Participant* will gain the trust of the *Minor* and protective adults and peers around the *Minor* often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the *Minor* in order to abuse or exploit the *Minor*. *Grooming* can occur whether or not harm is intended or results from the behaviour.

Individuals: *Individuals* employed by, or engaged in activities with Athletics New Brunswick, all members and associates including, but not limited to, athletes, coaches, convenors, officials, associates, volunteers, managers, administrators, committee

members, Directors and Officers of Athletics New Brunswick, event group leaders, Integrated Support Team (IST) staff, team managers, team staff, and suppliers of services.

Maltreatment: Volitional acts that result in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct described in Section 1.0 Maltreatment.

Minor: An individual who is under the age of majority at the time and in the jurisdiction where the alleged *Maltreatment* occurred. It is the responsibility of the adult to know the age of a *Minor*.

Neglect: Any pattern or a single serious incident of lack of reasonable care, inattention to a *Participant'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 *Participant's* needs and requirements, not whether harm is intended or results from the behaviour.

Participant: Every individual who is subject to this policy. [Note: *Participants* may become subject to this policy by various means. Athletes through membership in an adopting sport organization and coaches, volunteers, doctors, trainers, administrators, directors, etc. by signing an express contract accepting the jurisdiction of this policy.]

Person in Authority: a person who has authority over another person; a person who has the power to give orders or make decisions.

Physical Maltreatment: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Participant*. *Physical Maltreatment* includes, without limitation, contact or non-contact infliction of physical harm. *Physical Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

Power Imbalance: A *Power Imbalance* is presumed to exist where a *Participant* has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual *Power Imbalance* exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate *Participant*.

Power Imbalance can take many forms such as, but not limited to:

- Once a coach-athlete relationship is established, a *Power Imbalance* is presumed to exist throughout the coach-athlete relationship, regardless of the age of the athlete.
- Where the coach-athlete relationship began while the athlete was a *Minor*, the *Power Imbalance* is presumed to continue even after the coach-athlete relationship terminates, until the athlete reaches 25 years of age.
- A *Power Imbalance* may exist, but is not presumed, where a sexual or romantic relationship existed between two adult *Participants* before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).
- A *Power Imbalance* is presumed to exist where the *Participant* and other person are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; 2) a

Dependency Relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete.

- A presumption that *Power Imbalance* exists may be rebutted.
- A *Power Imbalance* may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
- Power may be represented by seniority, age differential, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples.
- *Maltreatment* occurs when this power is misused. Moreover, it is recognized that those from marginalized groups have experienced positions of lesser power.

Psychological Maltreatment: Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the *Participant*. *Psychological Maltreatment* includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. *Psychological Maltreatment* is determined by the objective behaviour, not whether harm is intended or results from the behaviour.

Reporting (or Report): The provision of information in writing by any person or a *Participant* to a relevant independent authority (the independent person or position charged with receiving a *Report* and determining next steps) regarding *Maltreatment*. *Reporting* may occur through either: (i) the *Complainant* (of any age) or the one who experienced the *Maltreatment*, or (ii) a witness – someone who witnessed the *Maltreatment* or otherwise knows or suspects *Maltreatment*. In either case, the intention of *Reporting* is to initiate an independent investigative process, which could result in disciplinary action being taken against the *Respondent*.

Respondent: A *Participant* who is alleged to have engaged in *Maltreatment* and thereby to have violated this policy.

Rule of Two: is a guideline, defined by the Coaching Association of Canada for the interactions between coaches and athletes. The *Rule of Two* states that there will always be two *Screened* and NCCP trained or certified coaches with an athlete, especially a *Minor* athlete, when in a potentially vulnerable situation. This means that any one-on-one interaction between a coach and an athlete must take place within earshot and view of the second coach, with the exception of medical emergencies. One of the coaches must also be of the same gender as the athlete. Should there be a circumstance where a second *Screened* and NCCP trained or certified coach is not available, a *Screened* volunteer, parent, or adult can be recruited.

Screened: having obtained a Police Security Check for Vulnerable Sector during the last 3 years.

Sexual Maltreatment: Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person's sexual integrity.

Vulnerable Participant: Persons at increased risk of *Maltreatment* and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections.

Vulnerable Participants include persons who are not able to provide informed Consent.

Workplace: Any place where business or work-related activities are conducted. *Workplaces* include but are not limited to, Athletics New Brunswick's office, work-related social or media functions, work assignments outside Athletics New Brunswick offices, work-related travel, and work-related conferences or training sessions.

Section 1 *Maltreatment*

a) Scope of Application

1. This section sets forth expectations for *Participants* regarding the elimination of *Maltreatment* in sport.
2. This policy applies to *Participants* active in sport or retired from sport where any claim of *Maltreatment* occurred when the *Participant* was active in sport.
3. The right to participate in sport may be limited, conditional, suspended, terminated or denied if a *Participant* is alleged to have engaged in *Maltreatment*. It is a violation of this policy for a *Participant* to engage in *Maltreatment* (however described).
4. Adults in positions of trust and authority shall be responsible for knowing what constitutes *Maltreatment*. The categories of *Maltreatment* are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the *Maltreatment* is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of *Maltreatment*.

Maltreatment can be any of the prohibited behaviours and conduct, provided the *Maltreatment* occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the *Participant* alleged to have committed *Maltreatment* was engaging in sport activities or (iii) when the *Participants* involved interacted due to their mutual involvement in sport or (iv) outside of the sport environment where the *Maltreatment* has a serious and detrimental impact on another *Participant*. The physical location(s) where the alleged *Maltreatment* occurred is not determinative.

5. Subjecting a *Participant* to the Risk of *Maltreatment*

It is a violation of this policy for sport administrators or other sport decision-makers in positions of authority to place *Participants* in situations that make them vulnerable to *Maltreatment*. This includes, but is not limited to:

- instructing an athlete and coach to share a hotel room when traveling, hiring a coach who has a past history of athlete *Maltreatment*;
- assigning guides and other support staff to a para-athlete when the guide or support staff has a reputation for athlete *Maltreatment*;
- assigning such a guide or support staff to a para-athlete in the absence of consultation with the para- athlete.

b) *Maltreatment*

1. *Psychological Maltreatment*

It is a violation of this policy for a *Participant* to engage in *Psychological Maltreatment*.

Psychological Maltreatment includes, without limitation, verbal acts, non-assaultive physical acts and acts that deny attention or support.

- i. Verbal Acts. Verbally assaulting or attacking someone, including but not limited to:
 - unwarranted personal criticisms;
 - body shaming;
 - derogatory comments related to one'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 someone to diminish that person's reputation;
 - using confidential sport and non-sport information inappropriately.Verbal Maltreatment may also occur in online forms.
- ii. Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that has the potential to be harmful or instil fear, including, without limitation:
 - body-shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and
 - forms of physically aggressive behaviours such as, without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; 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 a person 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.

2. *Physical Maltreatment*

It is a violation of this policy for a *Participant* to engage in *Physical Maltreatment*.

Physical Maltreatment includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm. *Physical Maltreatment* is determined by the behaviour viewed objectively, not whether

harm is intended or results from the behaviour.

- i. Contact behaviours: including, but not limited to:
 - deliberately punching, kicking, beating, biting, striking, strangling or slapping another;
 - deliberately hitting another with objects; providing a massage or other purported therapeutic or medical interventions with no specific training or expertise.
- ii. Non- Contact behaviours: including but not limited to:
 - isolating a person in a confined space; forcing a person 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 a Participant under the legal drinking age;
 - providing illegal drugs or non-prescribed medications to an athlete;
 - 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.

3. *Sexual Maltreatment*

It is a violation of this policy for a *Participant* to engage in *Sexual Maltreatment*.

- i. Sexual Maltreatment: includes, but is not limited to,
 - any non-Consensual touching of a sexual nature and/or the *Criminal Code* offence of sexual assault;
 - forcing or coercing a person into sexual acts;
 - participating in or performing acts on a person that violate their sexual integrity;
 - Criminal Code offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence;
 - sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature;
 - reprisal or a threat of reprisal for the rejection of a sexual solicitation or

advance, where the reprisal is made or threatened by a *Participant* who has more power in the context of a relationship that involves a *Power Imbalance*, or if the person to whom the solicitation or advance is made is a *Minor*;

- Pressuring a person to engage in sexual activity, including by making repeated advances that are known or ought to be known to be unwelcome;
 - Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked by a *Participant* who has more power in the context of a relationship that involves a *Power Imbalance*, or asked of a *Minor* or *Vulnerable Participant*;
 - Sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or where the object of the attention is a *Minor*. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be objectively perceived by another person as being sexual in nature, practical jokes based on sex, intimidating sexual remarks, propositions, invitations or familiarity;
 - Unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.
 - It is prohibited for a *Participant* to create, possess, make available or distribute images that sexualize or contain nudity of another person in the absence of *Consent*.
 - Where there is a *Power Imbalance*, sexual acts or communications (electronic or otherwise) between any *Participant* and another *Participant* are prohibited.
 - *Sexual Maltreatment* can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).
- ii. *Sexual Maltreatment* of a *Minor* is any *Sexual Maltreatment* against a *Minor*. It includes the items described in paragraphs above and also includes, but is not limited to, the Criminal Code offences that are specific to *Individuals* who are not adults or to *Individuals* under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a *Minor* through prostitution. *Sexual Maltreatment* of a *Minor* is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a *Minor*, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a *Minor*. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a *Minor Participant* to create, possess, make available or distribute images of themselves. A *Participant* is presumed to know that a person is a *Minor*.

4. *Neglect*

It is a violation of this policy for a *Participant* to engage in *Neglect*. Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour. *Neglect*, or acts of omission, includes 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 (e.g., weigh-ins, caliper tests);
- disregarding the use of performance-enhancing drugs by an athlete;
- failure to ensure safety of equipment or environment;
- allowing an athlete to disregard sport's rules, regulations, and standards, subjecting *Participants* to the risk of Maltreatment.

5. *Maltreatment Related to Grooming*.

It is a violation of this policy for a *Participant* to engage in *Grooming*.

- Grooming* is conduct that may precede other behaviours defined as *Sexual Maltreatment*, or is carried out in conjunction with other forms of *Sexual Maltreatment*. Repeated *Boundary Transgressions* by a *Participant* toward a *Minor* or *Vulnerable Participant* may also be deemed to be *Grooming*, even in the absence of deliberate intention to facilitate a sexual relationship.
- In assessing whether *Grooming* has occurred, the existence of a *Power Imbalance* should be taken into account.
- Grooming* is often a slow, gradual and escalating process of building trust and comfort with a young person.
- Grooming* includes, without limitation:
 - the process of making inappropriate behaviour seem normal and gradually engaging in 'boundary violations' that 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.
- v. *Grooming* usually begins with subtle behaviours that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the *Grooming* process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.
 - vi. In the *Grooming* process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person's trust. *Grooming* then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behaviour moves from non-sexual touching to "accidental" sexual touching.
 - vii. The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned.

6. *Maltreatment Related to Process*

The behaviors identified below also constitute *Maltreatment* and may give rise to a sanction.

- i. Interference with or manipulation of process: An adult *Participant*, violates this policy by directly or indirectly interfering with a process described in this policy by:
 - falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - destroying or concealing information;
 - attempting to discourage an individual's proper participation in or use of the processes mentioned in this policy;
 - harassing or intimidating (verbally or physically) any person involved in the processes mentioned in this policy before, during, and/or following any proceedings;
 - publicly disclosing a *Participant's* identifying information, without the *Participant's* agreement;
 - failing to comply with any temporary or provisional measure or other final sanction;
 - distributing or otherwise publicizing materials a *Participant* gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
 - influencing or attempting to influence another person to interfere

with or manipulate the process.

- ii. Retaliation. Retaliation is prohibited. A *Participant* shall not take an adverse action against any person for making a good faith *Report* of possible *Maltreatment* or for participating in any process under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in complaint processes.

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 good-faith actions lawfully pursued in response to a *Report* of possible *Maltreatment*

- iii. Aiding and Abetting. Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of *Maltreatment* by a *Participant*. Aiding and Abetting also includes, without limitation, knowingly:
 - allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct *Participants*;
 - providing any coaching-related advice or service to an athlete who has been suspended or is otherwise ineligible; and
 - allowing any person to violate the terms of their suspension or any other sanctions imposed.

7. *Boundary Transgressions*

- i. Identifying a *Boundary Transgression* is dependent on context, including the age of the persons involved and the existence of a *Power Imbalance*. It may be the case that a particular act or communication does not meet the threshold of any of the types of *Maltreatment*, but is an act or communication that is nonetheless viewed as inappropriate in the circumstances. The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a *Boundary Transgression* is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport, recognizing that *Boundary Transgressions* are often part of the *Grooming* process.
- ii. Recognizing that there may be a need to be flexible in the way in which such *Boundary Transgressions* are addressed, a *Boundary Transgression* may trigger review of the circumstances and potentially be resolved informally, or a formal conduct review may be initiated.

- iii. Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the *Participant* in the event future *Boundary Transgressions* occur. A repeated *Boundary Transgression* after a consequence should be treated seriously.
- iv. The concept of *Boundary Transgressions* is intended to be broad in scope. By way of example and not limitation, a Boundary Transgression may be a circumstance where:
 - one person uses contact information available to the person for the purpose of sport, to make contact with a person for a purpose that is not related to sport;
 - a *Participant* uses or attempts to use a line of communication with another person that is not within the typical communication channels;
 - communicating privately with a *Minor* through social media or text;
 - a *Participant* inappropriately shares personal photographs;
 - a *Participant* arranges for or engages in inappropriate sharing of locker rooms;
 - one-on-one meetings that are not held in an open and observable environment;
 - there is inappropriate private travel or transportation; and
 - providing personal gifts.

8. *Discrimination*

Discrimination can include overt or subtle forms of harm that uniquely define the adverse or inequitable experiences of marginalized persons. The following are examples of *Discrimination* if they are based on one or more of the grounds of *Discrimination* within the definition:

- Denying someone access to services, benefits, or opportunities;
- Treating a person unfairly;
- Communicating hate messages or unwelcome remarks or jokes;
- The perpetuation of misogynistic, racist, ableist, homophobic, or transphobic attitudes and stereotypes.

Discrimination does not require an intention to cause harm.

9. *Maltreatment Related to Reporting*

i. Failure to Report Maltreatment of a Minor:

A legal duty to *Report* is mandated by law, and the requirement varies by Province/Territory depending on Provincial/Territorial legislation. An

adult *Participant* who fails to *Report* actual or suspected *Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment* or *Neglect* involving a *Minor Participant* pursuant to this policy's processes and to law enforcement or child protection services (when applicable) shall be subject to disciplinary action under this policy.

The obligation to *Report* requires the *Reporting* of any conduct which, if proven true, would constitute *Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment* or *Neglect* involving a *Minor Participant*. The obligation to *Report* is an ongoing one and is not satisfied simply by making an initial report. The obligation includes *Reporting*, on a timely basis, all relevant information of which an adult *Participant* becomes aware.

The obligation to *Report* includes making a direct *Report*.

The obligation to *Report* includes personally identifying information of a potential *Minor Complainant* to the extent known at the time of the *Report*, as well as a duty to reasonably supplement the *Report* as to identifying information learned at a later time.

Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving *Psychological Maltreatment, Sexual Maltreatment, Physical Maltreatment* or *Neglect*. *Participants* making a good faith *Report* are not required to prove the *Reports* are true before *Reporting*.

ii. Failure to Report Inappropriate Conduct:

Not all inappropriate conduct may meet the threshold for constituting *Maltreatment* under this policy. However, such inappropriate conduct may represent behavior with the risk of escalating to *Maltreatment* under this policy.

Any *Participant* who suspects or becomes aware of another *Participant's* inappropriate conduct, even if it is not defined as *Maltreatment* under this policy, shall *Report* and has a mandatory duty to *Report* such inappropriate conduct through the Athletics New Brunswick internal procedures. Those in positions of trust and authority who become aware of another's inappropriate conduct have a responsibility for *Reporting* the concern within Athletics New Brunswick's policies and procedures. The person making the *Report* does not need to determine whether a violation of this policy took place: instead, the responsibility lies in *Reporting* the objective behaviour.

iii. Intentionally Filing a False Allegation:

In addition to constituting *Maltreatment*, filing a knowingly false allegation or influencing others to file a knowingly false allegation that a *Participant* engaged in *Maltreatment* shall be subject to disciplinary action pursuant to this policy.

An allegation is false if the events reported did not occur, and the person making the *Report* knows the events did not occur.

A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for violation.

Section 2 Guidelines

This Section describes how adults, particularly Persons in Authority, can maintain a safe sport environment for Athletes.

- a) **Interactions with Athletes**, Athletics New Brunswick strongly recommends the *Rule of Two* for all persons who interact with athletes. Athletics New Brunswick recognizes that fully implementing the *Rule of Two* in all circumstances may not be possible. Consequently, at a minimum, interactions with athletes must respect the guidelines listed below. Subject to the existence of exceptional circumstances, all parties will strictly adhere to the guidelines herein. Any exceptional circumstances that require a variation from these guidelines will be recorded in writing and shall be subjected to having an informed written *Consent* from the parents or guardian.
- b) **Transparent**
 1. Encourage parents to appropriately support their children's involvement.
 2. Allow the training environment to be open to observation by parents. Ensure an open and observable environment for all interactions between Persons in Authority and athletes. This could include leaving the door open when having a meeting, moving away from others in a public space but staying within eyesight.
 3. Avoid private or one-on-one situations unless they are open and observable by another adult or athlete.
- c) **Authorized**
 1. Limit any situation when a *Person in Authority* is alone with an athlete.
 2. Ensure *Persons in Authority* do not invite or have an athlete(s) in the home without the written permission of the athlete's parent or guardian.
 3. Ensure athletes do not find themselves in a situation where they are alone with a *Person in Authority* without another *Screened* adult or athlete present unless prior written permission is obtained from the athlete's parent or guardian.
 4. *Screened* parents or other volunteers will be available in situations when two *Persons in Authority* cannot be present.
- d) **Accountable**
 1. If a situation where an interaction that breaks the spirit of the *Rule of Two* arises, *Persons in Authority* should make themselves accountable by *Reporting* it to a staff or volunteer supervisor.
- e) **Practices and Competitions**
 1. A *Person in Authority* should never be alone with an athlete prior to or following a competition or practice, unless the *Person in Authority* is the athlete's parent or guardian. If the athlete is the first athlete to arrive, the athlete's parent should remain until another athlete or *Person in Authority* arrives. Similarly, if an athlete would potentially be alone with a *Person in Authority* following a competition or practice, the *Person in Authority* should ask another *Person in Authority* (or a

parent or guardian of another athlete) to stay until all the athletes have been picked up. If an adult is not available, then another athlete should be present in order to avoid the *Person in Authority* being alone with a single athlete.

2. *Persons in Authority* giving instructions, demonstrating skills, or facilitating drills or lessons to an individual athlete should always be doing so within earshot and eyesight of another *Person in Authority*.

f) Communications

1. *Persons in Authority* may only send personal texts, direct messages on social media or emails to individual athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone.
2. Electronic communication between *Persons in Authority* and athletes that is personal in nature should be avoided. If such communication occurs, it must be recorded and available for review by another *Person in Authority* and by the athlete's parent/guardian (in the case of a *Minor* athlete).
3. Parents and guardians have the right to request that their child not be contacted by *Persons in Authority* using any form of electronic communication and to request that certain information about their child may not be distributed in any form of electronic communications.
4. All communication between *Persons in Authority* and athletes must be between the hours of 6:00am and midnight unless extenuating circumstances exist.
5. No communication concerning drugs or alcohol use (unless regarding its prohibition) is permitted.
6. No sexually explicit language or imagery or sexually oriented conversation is permitted.
7. *Persons in Authority* are not permitted to ask athletes to keep a secret for them.
8. A *Person in Authority* should not become overly-involved in an athlete's personal life.
9. Group messages, group emails or team pages should be used as the regular method of communication between *Persons in Authority* and athletes.

g) Travel

1. Teams or groups of *Minor* athletes will always have at least two *Persons in Authority* with them while travelling to competitions.
2. For mixed gender teams or groups of *Minor* athletes, there will be one *Person in Authority* from each gender identity while travelling to competitions.
3. No *Person in Authority* may drive an athlete alone unless the *Person in Authority* is the athlete's parent or guardian.
4. A *Person in Authority* may not share a room or be alone in a hotel room with an athlete unless the *Person in Authority* is the athlete's parent or guardian.
5. Room or bed checks during overnight stays must be done by two *Persons in Authority*.
6. For overnight travel when athletes must share a hotel room, roommates will be age-appropriate (e.g., within 2 years of age) and of the same gender identity and room

assignments must be respectful of athletes' safety, individual requirements and rights.

7. When only one athlete and a *Person in Authority* travel to a competition, at the competition the *Person in Authority* and the athlete should attempt to establish a "buddy" club to associate with during the competition and away from the venue and have informed written *Consent* from a parent or a guardian (in the case of a *Minor*).

h) Locker Room / Changing Areas

1. Interactions (i.e., conversation) between *Persons in Authority* and athletes should not occur in any room where there is a reasonable expectation of privacy such as the locker room, restroom or changing area.
2. If *Persons in Authority* are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, including but not limited to team communications and/or emergency.

i) Photography / Video

1. Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the athlete.
2. The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
3. Examples of photos that should be edited or deleted include: Images with misplaced apparel or where undergarments are showing; Suggestive or provocative poses; Embarrassing images.
4. Parents/guardians should sign a photo release form (i.e., as part of the registration process) that describes how an athlete's image may be used by Athletics New Brunswick.

j) Physical Contact

1. Unless it is not possible because of serious injury or other circumstance, a *Person in Authority* should always clarify with an athlete where and why any contact will occur. The *Person in Authority* must make clear that he or she is requesting to touch the athlete and not requiring the physical contact
2. Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the athlete during a training session, is acceptable.
3. Making amends, such as an apology or explanation, is encouraged to further help educate athletes on the difference between appropriate and inappropriate contact.
4. Hugs lasting longer than 5 seconds, cuddling, physical horseplay, and physical contact initiated by the *Person in Authority* is not permitted. Athletics New Brunswick is aware that some athletes may initiate hugging or other physical contact with a *Person in Authority* for various reasons (e.g., such as crying after a poor performance), but this physical contact should always be limited to circumstances where the *Person in Authority* believes it is in the best interest of the athlete.

Section 3.0 Sanctions

Any sanction imposed against a *Participant* must be proportionate and reasonable, relative to the *Maltreatment* that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of *Maltreatment* can lead to a very significant sanction. If *Maltreatment* is proven one or more of the sanctions listed in the Athletics New Brunswick Policy 14.0 shall be implemented.

a) Considerations

Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

1. The nature and duration of the *Respondent's* relationship with the *Complainant*, including whether there is a *Power Imbalance*;
2. The *Respondent's* prior history and any pattern of inappropriate behaviour or *Maltreatment*;
3. The ages of the *Individuals* involved; *Maltreatment* of a *Minor* or of a *Vulnerable Participant* is to be considered an aggravating circumstance;
4. Whether the *Respondent* poses an ongoing and/or potential threat to the safety of others;
5. The *Respondent's* voluntary admission of the offense(s), acceptance of responsibility for the *Maltreatment*, and/or cooperation in this policy's process;
6. Real or perceived impact of the incident on the *Complainant*, sport organization or the sporting community;
7. Circumstances specific to the *Respondent* being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this policy; addiction; disability; illness);
8. Deterrent effect on future such conduct;
9. Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
10. A *Respondent* who is in a position of trust, intimate contact or high- impact decision-making may face more serious sanctions;
11. Other mitigating and aggravating circumstances; and/or
12. Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

b) Presumptive sanctions

The following sanctions are presumed to be fair and appropriate for the listed *Maltreatment*, but the *Respondent* affected may rebut these presumptions:

1. *Sexual Maltreatment* involving a *Minor Complainant* shall carry a presumptive sanction of permanent ineligibility;
2. *Sexual Maltreatment*, *Physical Maltreatment* with contact and *Maltreatment* related to Process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.

3. While a *Respondent* has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

c) Public Disclosure

In addition to the publication of a summary of the final outcome of a resolution process, a publicly-available searchable database or Registry of *Respondents* who have been sanctioned by or whose eligibility to participate in sport has in some way been restricted shall be maintained, pursuant to the provisions contained in the Universal Code of Conduct for Maltreatment in Sport (UCCMS) and as adopted by Athletics Canada from time to time in order to comply with provisions of the UCCMS. The information obtained about an incident or complaint (including identifying information about any *Individuals* involved) will remain confidential, unless *Disclosure* is necessary for the purpose of investigating or taking corrective action or is otherwise required by law.

Adopted April 24, 2023