

PROHIBITED BEHAVIOURS (MALTREATMENT) *Extract from UCCMS v6.0*



PSYCHOLOGICAL MALTREATMENT

- Includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.
- a. Verbal conduct: without limitation, verbally assaulting or attacking someone, including in online forms; (implied or expressed body shaming; derogatory/demeaning comments, the use of rumours or false statements).
- b. Non-assaultive physical conduct: physical behaviour, or the encouragement of physical behaviour, that has the potential to be harmful or instil fear; (repeated and unnecessary weigh-ins, inappropriately taking food away from athletes, damaging another's personal belongings; hitting, striking or punching objects in the presence of others).
- c. Conduct that causes denial of attention or support: without limitation, forms of lack of support or isolation such as ignoring psychological needs; (socially isolating a person repeatedly, punishment for poor performance; denying feedback, training opportunities, support or attention).

PHYSICAL MALTREATMENT

- Includes, contact or non contact infliction or physical harm
- a. Contact behaviours: without limitation, 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.
- b. Non-contact behaviours: without limitation, isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a Participant who is under the legal drinking age; providing illegal drugs or non-prescribed medications to a Participant; encouraging or permitting an athlete under their authority to return to play following any injury, including after a concussion, encouraging an athlete to perform a potentially dangerous skill for which the Participant knows or ought to know that the athlete is not developmentally ready.

NEGLECT

- Refers to the omission of adequate care and attention and is evaluated with consideration given to the Participant's needs and requirements. Examples of Neglect include without limitation: not allowing an athlete adequate recovery time and/or treatment for a sport injury; disregarding and/or not considering a person's physical or intellectual disability; not ensuring appropriate supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (weigh-ins, caliper tests);

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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.

*Psychological Maltreatment, Physical Maltreatment, and Neglect are determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

SEXUAL MALTREATMENT

- Can take place through any form or means of communication (online, social media, verbal, written, visual, hazing, or through a third party). 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. Where there is a Power Imbalance, sexual acts or communications (electronic or otherwise) between any Participant and another Participant are prohibited. Sexual Maltreatment includes, but is not limited to,

- a. any non-Consensual touching of a sexual nature and/or the Criminal Code offence of sexual assault;
- b. forcing or coercing a person into sexual acts;
- c. participating in or performing acts on a person that violate their sexual integrity;
- d. 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;
- e. 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.

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.

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The Grooming process is often gradual and involves building trust and comfort with a person, and sometimes also with the protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (seemingly accidental touching) that gradually escalates to Sexual Maltreatment (sexualized touching). It is acknowledged that 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.

*In assessing whether Grooming has occurred, the existence of a Power Imbalance should be taken into account.

BOUNDARY TRANSGRESSIONS

- 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. 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:

- a. 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;
- b. a Participant uses or attempts to use a line of communication with another person that is not within the typical communication channels;
- c. communicating privately with a Minor through social media or text;
- d. a Participant inappropriately shares personal photographs;
- e. a Participant arranges for or engages in inappropriate sharing of locker rooms;
- f. one-on-one meetings that are not held in an open and observable environment;
- g. there is inappropriate private travel or transportation; and
- h. providing personal gifts.



DISCRIMINATION

- Can include overt or subtle forms of harm (though does not require an intention to cause harm) that uniquely define the adverse or inequitable experiences of marginalized persons. The following are some examples of Discrimination:

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

SUBJECTING A PARTICIPANT TO THE RISK OF MALTREATMENT

- Sport administrators or other sport decision-makers in positions of authority who place Participants in situations that they know or ought to have known make the Participant vulnerable to Maltreatment are subjecting a Participant to the risk of Maltreatment. Subjecting a Participant to the risk of Maltreatment includes, without limitation: instructing an athlete and coach to share a hotel room when traveling, knowingly hiring a Participant who has a past history of Prohibited Behaviour and who is under a sanction of temporary or permanent ineligibility pursuant to an enforcement process, assigning guides and other support staff to a para-athlete when the guide or support staff has a past history of Prohibited Behaviour and is under a sanction of temporary or permanent ineligibility pursuant to an enforcement process, or assigning a guide or support staff to a para-athlete in the absence of consultation with the para-athlete.

AIDING AND ABETTING

- Aiding and Abetting is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of Maltreatment or other Prohibited Behaviour by or against a Participant. Aiding and Abetting also includes, without limitation: knowingly allowing any person who is suspended or is otherwise ineligible to participate in an association's activities; providing any coaching-related advice or service to an athlete who is suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.



FAILURE TO REPORT

- Failure to Report possible Maltreatment or other Prohibited Behaviour:
 - a. It is a violation for any adult Participant who knew or ought to have known of a Participant's Prohibited Behaviour toward another person to fail to Report such conduct. For clarity, a Participant is not obligated to Report an instance of Prohibited Behaviour to which they were personally subject.
 - b. Where information regarding a Participant's Prohibited Behaviour toward another adult is made known to an adult Participant through an explicitly confidential Disclosure, the adult Participant shall not be required to Report the information obtained through that Disclosure. Nevertheless, if an adult Participant knew or ought to have known of the Participant's Prohibited Behaviour for reasons other than the explicitly confidential Disclosure, it remains a violation for them to fail to Report such conduct.
 - c. The person making the Report does not need to determine whether a violation took place: instead, the responsibility lies in Reporting the objective behaviour. Early intervention is required to prevent escalation, hence the obligation on all adult Participants to Report.
 - d. The Reporting Obligation is ongoing and is not satisfied simply by making an initial Report. The Reporting Obligation includes Reporting, on a timely basis, any and all relevant information of which an adult Participant becomes aware.
 - e. It is a violation for any adult Participant to fail to fulfill any applicable legal Duty to Report.

INTENTIONALLY REPORTING A FALSE ALLEGATION

- It is a violation to Report a knowingly false allegation, or influence another to Report a knowingly false allegation, that a Participant engaged in Prohibited Behaviour. An allegation is false if the events Reported did not occur, and the person making the Report knows at the time of Reporting that 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 a violation.

INTERFERENCE WITH OR MANIPULATION OF PROCESS

- It is a violation for a Participant to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:
 - a. knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome;
 - b. attempting to discourage or prevent a person's proper participation in or use of the processes;

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- c. harassing or intimidating any person involved in the processes before, during, and/or following any proceedings;
- d. failing to comply with any temporary or provisional measure or final sanction;
- e. influencing or attempting to influence another person to interfere with or manipulate the process;
or
- f. distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing, except as required by law or as expressly permitted.

All Participants are expected to act in good faith throughout any investigation or disciplinary review process. In recognition that a victim/survivor, of sexual abuse in particular, may conceal information out of embarrassment, shame or to protect the perpetrator, absent demonstrable bad faith, minimizing or concealing in such circumstances, is not a violation.

RETALIATION

- It is considered retaliation for a Participant to take an adverse action against any person for making a good faith Report of possible Prohibited Behaviour or for participating in any enforcement process. Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process related to Prohibited Behaviour. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no Prohibited Behaviour occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Prohibited Behaviour.