

TENNIS CANADA ABUSE POLICY

POLICY STATEMENT AND APPLICATION

1. This policy applies to all employees of Tennis Canada, as well as to all directors, officers, consultants, volunteers, coaches, athletes, and officials associated with specific Tennis Canada activities (collectively referred to in this policy as “members” of Tennis Canada).¹
2. Tennis Canada 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. Tennis Canada expects every employee and member to take all reasonable steps to safeguard the welfare of Tennis Canada participants and to protect them from any form of maltreatment. Tennis Canada encourages the reporting of all incidents of abuse, regardless of who the offender may be.
3. Allegations of abuse or neglect will be dealt with in accordance with: (a) Tennis Canada’s complaint procedures as set out in this policy and in the Terms of Reference of Tennis Canada’s Discipline Committee and Discipline Appeal Committee; and (b) where applicable, in accordance with the requirements of applicable child protection or related legislation.
4. This policy applies to abuse occurring during the course or in conjunction with any Tennis Canada business, activities or events.
5. Notwithstanding this policy, every person who experiences abuse continues to have the right to seek assistance from the police, their provincial or territorial child protection authority (if applicable), and their provincial or territorial human rights commission, even when steps are being taken under this policy.

RELATIONSHIP TO HARASSMENT POLICY

6. Some behaviours that are defined as abuse can also constitute harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries. The Tennis Canada Harassment Policy covers harassing or bullying behaviour, including both abusive and non-abusive behaviour. Together, the two policies address the entire spectrum of abusive, bullying and harassing behaviours.

¹ NTD: The use of the term “members” to refer to various persons involved with Tennis Canada is drawn from the existing Tennis Canada Harassment Policy, where the term “members” is used in the same way. You may wish to consider using a different term, since formally the members of Tennis Canada are the provincial associations.

DEFINITIONS

7. 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.
8. 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. Every province and territory in Canada, except the Yukon, has mandatory reporting laws regarding the abuse and neglect of children and youth; the Yukon requests that concerns be reported.
9. Across Canada a person is considered a child, for purposes of triggering a legal obligation to report child abuse, up to the age of 16 to 19 years depending on provincial legislation. The following are the basic definitions of a child according to the child protection legislation in Canada's various jurisdictions.
- British Columbia - any person under 19 years of age
Alberta - any person under 18 years of age
Saskatchewan - any unmarried person under 16 years of age
Manitoba - any person under 18 years of age
Ontario - any person under 18 years of age
Quebec - any person under 18 years of age
New Brunswick - any person under 19 years of age
Nova Scotia - any person under 16 years of age
P.E.I. - any person under 18 years of age
Newfoundland & Labrador - any unmarried person under 16 years of age
Northwest Territories - any person under 18 years of age
Yukon - any person under 18 years of age²
10. 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.
11. 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.
12. 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

² NTD: Paragraphs 8 and 9 are drawn from the Hockey Canada abuse policy. You may wish to have them verified for accuracy. Nunavut should likely be referenced in paragraph 9.

of which involve physical contact, and some of which do not. Sexual abuse that does not 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.

13. 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 tennis 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.

14. Abuse and neglect may be inflicted directly or indirectly, and through any means of communication, including through electronic communications.

RESPONSIBILITY

15. The President of Tennis Canada and the Vice President for Tennis Development are responsible for the implementation of this policy.³ In addition, the President of Tennis Canada and the Vice President for Tennis Development are responsible for:

- discouraging and dealing with abuse within Tennis Canada;
- 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 member of Tennis Canada who experiences abuse by someone who is not an employee or member of Tennis Canada;
- making all employees and members of Tennis Canada 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 of their rights under the law; and

³ **NTD: The Tennis Canada Harassment Policy provides that the President and the Honourary Secretary of Tennis Canada are responsible for its implementation. We have suggested identifying the President and the VP-Tennis Development as being responsible for implementing the Abuse Policy, on the assumption that the VP-Tennis Development is more likely to deal on a day to day basis with incidents of abuse.**

- regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives.

16. Every employee and member of Tennis Canada has a responsibility to play a part in ensuring that the Tennis Canada sport environment is free from abuse, by complying with this policy.

DISCIPLINARY ACTION

17. Employees or members of Tennis Canada against whom a complaint of abuse is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership.

CONFIDENTIALITY

18. Tennis Canada 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 of abuse. Tennis Canada recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

19. 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 members can be assured that Tennis Canada 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

20. A person who makes a complaint of abuse, whether under this policy or otherwise, should not be penalized for doing so. For the purposes of this policy, retaliation against an individual

- for having filed a complaint or taken any other step under this policy;
- for having participated in any procedure under this policy; or
- for having been associated with a person who filed a complaint or participated in any procedure under this policy

will not be tolerated and will be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

21. The making of false, frivolous or malicious allegations of abuse by another person will likewise be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

PROCEDURES FOR ADDRESSING SUSPECTED CHILD ABUSE

General Principles

22. 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 Tennis Canada investigation will generally be deferred or modified, pending the completion of a related child protection or police investigation. Tennis Canada 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

23. 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 basic “dos and don’ts” for receiving a child’s disclosure are:

DO	DON’T
Listen to the child.	Lead or suggest answers to the child.
Tell the child who must be notified.	Promise the child not to tell anyone.
Reassure the child that the conduct described is not the child’s fault and that the child has done the right thing by disclosing.	Criticize the child for how or when disclosure has been made.
Speak to the child in private.	Bring the suspected perpetrator in to confront the child.
Determine the immediate safety needs of the child, involving the child in this decision.	Return the child to a risk laden situation.

24. Where an employee or member of Tennis Canada 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 or territorial child protection authority. The reporting person may request that one or more representatives of Tennis Canada be present while he or she is making the report to the child protection authority.

25. The employee or member must also immediately notify the President of Tennis Canada or, if the President is not available, the Vice President for Tennis Development.

26. The President of Tennis Canada or his or her delegate 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.
27. 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 members of Tennis Canada must avoid interfering with the child protection or police investigation.
28. The reporting person must document in writing all details of the report and provide a copy to the President of Tennis Canada. The President of Tennis Canada or his or her delegate must write to the child protection authority confirming that the suspicion has been reported, and keep a copy of the letter.
29. The President of Tennis Canada or his or her delegate shall consult with the child protection authority as to the best way to address the child's continued involvement in Tennis Canada activities, if appropriate, and shall follow up with the child protection authority to determine the outcome of the investigation.
30. Tennis Canada shall ensure that support structures are in place for children who disclose alleged abuse.

When an Employee or Member is Suspected

31. Where an employee or member of Tennis Canada is suspected of conduct that may constitute child abuse, the President of Tennis Canada (or, if the President is not available, the Vice President for Tennis Development) must be notified immediately and provided with all relevant information regarding the suspicion. Where the President of Tennis Canada is suspected of such conduct, the Chair of the Board of Directors of Tennis Canada must be notified.
32. 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.
33. Generally, where abuse has been alleged against an employee or member, 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.
34. The employee or member'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 Tennis Canada investigation.

35. Any employee or member of Tennis Canada may initiate disciplinary proceedings against a suspected perpetrator of child abuse, by complying with the Tennis Canada Discipline Committee and Discipline Appeal Committee Terms of Reference. However, any Discipline Committee or Discipline Appeal Committee struck pursuant to the Terms of Reference must determine whether to defer its investigation or disciplinary proceedings until the child protection or police investigation is complete.

36. Regardless of whether an employee or member of Tennis Canada initiates disciplinary proceedings, the President of Tennis Canada must consider whether an internal Tennis Canada 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 membership. The need for a full internal investigation by Tennis Canada 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.

37. Any internal investigation conducted by Tennis Canada and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:

- (a) Avoiding or reducing trauma to the child;
- (b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
- (c) Ensuring fairness to the Tennis Canada employee or member against whom a complaint has been made.

When a Child is Suspected

38. Where an employee or member of Tennis Canada 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.

39. The President of Tennis Canada or his or her delegate should review the available information to determine whether the alleged perpetrator may continue to participate in Tennis Canada activities pending investigation of the matter. Advice of the child protection authority or the police may be sought in this regard.

40. 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 members, and is in the alleged perpetrator's best interests. Reasonable conditions may be imposed.

PROCEDURES FOR ADDRESSING ABUSE OTHER THAN CHILD ABUSE

41. 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:

- (a) The nature of the conduct perpetrated;
- (b) Whether the conduct would amount to a criminal offence;
- (c) The impact, including physical and emotional harm, upon the victim and the Tennis Canada community;
- (d) The motivation or underlying causes for the conduct;
- (e) The ages of the alleged perpetrator and victim;
- (f) Whether the conduct is isolated or reflects a pattern of misconduct; and
- (g) Whether the alleged perpetrator acted alone or with others.

42. 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 always be regarded as serious.

43. 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

44. All serious incidents of violence shall be reported to the police and to the President of Tennis Canada or, if the President is not available, to the Vice President for Tennis Development.

45. 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.

46. If, in the course of an investigation, the police need to speak to an employee or member of Tennis Canada regarding alleged abuse, Tennis Canada will cooperate after being informed of the nature of the request.

47. Any employee or member of Tennis Canada may initiate disciplinary proceedings against a suspected perpetrator of a serious incident of violence, by complying with the Tennis Canada Discipline Committee and Discipline Appeal Committee Terms of Reference. However, any Discipline Committee or Discipline Appeal Committee struck pursuant to the Terms of Reference must determine whether to defer its investigation or disciplinary proceedings until the police investigation is complete.

48. Regardless of whether an employee or member of Tennis Canada initiates disciplinary proceedings, the President of Tennis Canada must consider whether an internal Tennis Canada investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings.

49. Any internal investigation conducted by Tennis Canada and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:

- (a) Avoiding or reducing trauma to the victim;
- (b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
- (c) Ensuring fairness to the Tennis Canada employee or member against whom a complaint has been made.

Less Serious Incidents

50. Where a less serious incident of abuse is alleged, the allegations must be reported to the most senior employee of Tennis Canada 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 President of Tennis Canada for investigation, or whether the incident may properly be investigated and dealt with on the spot by the employee.

51. If the incident is reported to the President, he or she must consider whether an internal Tennis Canada 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.

52. If the incident is investigated and dealt with on the spot by the senior employee, the employee must provide a written report to the President immediately thereafter, explaining the facts and the manner in which the incident was dealt with by the employee. If appropriate, the President may initiate a further investigation or disciplinary proceedings.

REVIEW AND APPROVAL

53. The Tennis Canada Board of Directors approved this policy on June 9, 2007. The Tennis Canada President and the Vice President, Tennis Development on an annual basis shall review this policy.