



## TENNIS CANADA ABUSE POLICY

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**Effective Date:** January 22, 2019

**Approved by:** Board of Tennis Canada

This policy replaces the previously issued Abuse Policy

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### POLICY STATEMENT AND APPLICATION

1. This policy applies to all personnel, which for the purposes of this policy includes Tennis Canada employees, students, interns, officials, self-employed independent contractors and members of the Board (together “Personnel”), as well as host families and officials.
2. Tennis Canada prohibits and does 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 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. This policy applies to abuse occurring during the course of or in conjunction with any Tennis Canada business, activities or events.
4. 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.
5. Allegations of abuse or neglect will be dealt with in accordance with the requirements of applicable provincial or territorial child protection legislation.
6. Consistent with provincial and territorial child protection legislation (except the Yukon), every person who suspects that a child has suffered or is likely to suffer harm has a duty to report that suspicion to child protective services.

## RELATIONSHIP TO RESPECTFUL WORKPLACE POLICY

7. Tennis Canada's Respectful Workplace Policy covers harassing or bullying behaviour between Personnel and/or experienced by Personnel. Together, these two policies address the entire spectrum of abusive, bullying and harassing behaviours.

## DEFINITIONS

8. 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.
9. 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 requiring the reporting of suspected abuse and neglect of children and youth; the Yukon requests that concerns be reported.
10. 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 or territorial legislation. The following are the basic definitions of a child according to the child protection legislation in Canada's various jurisdictions.

PROVINCE OR TERRITORY	DEFINITION OF CHILD
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
PRINCE EDWARD ISLAND	any person under 18 years of age
NEWFOUNDLAND & LABRADOR	any person under 16 years of age
NORTHWEST TERRITORIES	any person under 18 years of age
YUKON	any person under 18 years of age
NUNAVUT	any person appearing to be under 16 years of age

As legislation changes, it is critical to review the most current legislation to assess the legal obligation to report.

11. 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.

12. 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.
13. Sexual abuse is the misuse of power when a person, without their consent, is used by another person for his or her own sexual gratification. Children under 14 are deemed unable to consent to sexual touching by an adult. Children under 18 are deemed not to consent to sexual activity by an adult who is in a position of authority or trust. There are different types of sexual abuse, some of which involve physical contact, and some of which do not. Sexual abuse that does 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.
14. 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 players are denied adequate medical care or players are forced to play with injuries, equipment is unsafe, no one intervenes when a player is persistently harassed, or when road trips are not properly supervised leaving players at risk of harm.
15. Abuse and neglect may be inflicted directly or indirectly, and through any means of communication, including through electronic communications.

## **RESPONSIBILITY**

16. The President and CEO of Tennis Canada and the Chair of the Board of Directors of Tennis Canada are responsible for the implementation of this policy. Specifically, those responsibilities include:
  - discouraging and handling allegations of abuse within Tennis Canada;
  - ensuring that formal complaints of abuse are investigated in a sensitive, responsible, impartial 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 appropriate referrals to persons who experience abuse;
  - supporting and assisting, as appropriate, any employee of Tennis Canada who experiences abuse by someone who is not an employee of Tennis Canada;
  - raising awareness, within Tennis Canada, 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
  - regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations.

17. Every Personnel 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.

18. In the event that the Chair of the Board of Directors of Tennis Canada is involved in a complaint, which is made under this policy, the Tennis Canada President and CEO shall appoint a suitable alternate for the purpose of dealing with the complaint.

### **DISCIPLINARY ACTION**

19. Complaints of abuse against Personnel of Tennis Canada will be investigated and, if substantiated, will be disciplined, up to and including Personnel dismissal.

20. Personnel who does not fulfill their legal duty to report is subject to penalty as outlined in the relevant provincial or territorial child protection legislation.

### **CONFIDENTIALITY**

21. 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.

22. 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, Personnel 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.

Despite assurances of confidentiality and privacy, Tennis Canada must report incidents that are likely to give rise to a claim to its insurance provider at the time Tennis Canada is made aware of the incident.

### **REPRISALS AND FALSE ALLEGATIONS**

23. 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 be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

24. 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.

**DOCUMENTATION**

25. In all circumstances, detailed documentation must be recorded, in a timely fashion, and maintained, confidentially.

## **Appendix A - Procedure in support of the Abuse Policy**

### **PROCEDURES FOR ADDRESSING SUSPECTED CHILD ABUSE**

#### **General Principles**

26. 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 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**

27. 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. Similarly, external investigations may be compromised by unnecessary questioning. Some basic guidelines for responding to disclosure can be found in Appendix B.

28. Where Personnel 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. If the individual believes the child to be at risk of immediate harm, the individual must file a report directly to the police.

29. The individual must also immediately notify the Director, Safe Sport or, if the Director is not available, the President of Tennis Canada.

30. The Director, Safe Sport 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.

31. 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. Personnel of Tennis Canada must avoid interfering with investigations conducted by either child protection or police.

32. The reporting person must document in writing all details of the report and provide a copy to the Director, Safe Sport. The Director, Safe Sport, or delegate, must contact the child protection authority confirming that the suspicion has been reported, and keep a copy of the confirmation.

33. The Director, Safe Sport 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.
34. Tennis Canada shall ensure that support structures are in place for children who disclose alleged abuse. Tennis Canada will pay for six counselling sessions, without prejudice, to determine the best supports for the individual.

### **When Personnel is Suspected**

35. Where Personnel 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 Director, Safe Sport) must be notified immediately and provided with all relevant information regarding the suspicion. Where the President of Tennis Canada or the Director, Safe Sport, is suspected of such conduct, the Chair of the Board of Directors of Tennis Canada must be notified.
36. 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.
37. Generally, where abuse has been alleged against Personnel, 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.
38. The Personnel'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.
39. 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 Personnel against whom a complaint has been made. The guarantee of fairness does not extend as far as providing emotional support, legal support or advocacy.

### **When a Child is Suspected**

40. Where Personnel 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.

41. The Director, Safe Sport 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.
42. 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 Personnel, and is in the alleged perpetrator's best interests. Reasonable conditions may be imposed.

### **PROCEDURES FOR ADDRESSING INCIDENTS OTHER THAN CHILD ABUSE**

43. Incidents 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.
44. 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.
45. 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**

46. 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.
47. 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.



48. If, in the course of an investigation, the police need to speak to Personnel of Tennis Canada regarding alleged abuse, Tennis Canada will cooperate after being informed of the nature of the request.
49. Any Personnel 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.
50. Regardless of whether Personnel 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.
51. Any internal investigation conducted by Tennis Canada and any resulting disciplinary proceedings in connection with the incident 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 Personnel against whom a complaint has been made.

### **Less Serious Incidents**

52. Where a less serious incident 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. 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.
53. 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.
54. 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.

## **Appendix B - Guidelines for Responding to a Disclosure of Abuse**

### *Duty to Report*

Every province and territory has enacted legislation that outlines an individual's responsibility to protect young people from abuse. Everyone has a duty to report suspected or actual abuse. The report must be made to your local child protection agency (e.g. Children's Aid Society, Child and Family Services, etc.). If you believe that a child needs immediate protection, you must contact the police (911).

The way you respond to information shared with you by a child or a youth comes to about maltreatment by a parent, a coach, a teacher or even another young person is critical. The following guidance should help you in the first minutes of a disclosure:

### **DO**

- Listen to the child and reassure the child that you believe him/her. It is highly unlikely and rare for a child to fabricate stories of abuse. The child has approached you because of your relationship; do not interrupt or express disbelief or shock, either through your words, your actions or your facial expressions.
- Speak to the child in private. It is important that the child continue to feel safe while disclosing maltreatment. Remember, the need for privacy does not negate the need to adhere to the spirit of the Rule of Two. Listen to the child in a quiet, private area that is also within view (open and observable) by others.
- Reassure the child that the conduct described is not the child's fault and that the child has done the right thing by disclosing. It is common for a child to feel that s/he has caused the abuse to occur or that s/he could have done more to stop it. Sometimes children or young people feel that they deserve the abuse, especially if it has been occurring for a lengthy period of time or if they have been abused by others previously.
- Tell the child who must be notified to better protect and respond to the disclosure. The child or young person may not want you to tell anyone else. In fact, s/he may cry or beg you to keep the information to yourself. Do not promise that you can do so.

After the disclosure, record clear and detailed notes, using the words of the child as much as possible. Record time and date of disclosure, identity of child and alleged perpetrator, details of the incident(s) and other relevant information. Sign and date the document. If you need to make additions to the document, do so without altering the original. It is critical not to interview or probe into the disclosure by asking many questions, even if you are just wanting clarification; let

her/him tell the story and then report. Your questioning may jeopardize an investigation; leave that to the appropriate officials.

- Determine the immediate safety needs of the child, involving the child in this decision.  
Do not allow a child to return to an actively abusive situation. If you believe a child is at risk of immediate harm, call the police or tell Child Protection when you report.

#### **DON'T**

- Bring the suspected perpetrator in to confront the child.  
Although you may have difficulty believing the disclosure made by the child and you may have to file a report against a colleague or a friend, it is detrimental to the child and the investigation to even notify the alleged perpetrator that you have received an allegation or that you are reporting the allegation to authorities. Don't do either.

## Appendix C -

### A Visual Representation of Allegation Management

