

NATIONAL CYCLING INSTITUTE

2A – NO ABUSE, BULLYING, HARASSMENT, AND ALLEGATION HANDLING

2.1. Definitions

Individual	means an employee, contractor, or volunteer, or any person seeking engagement with NCI as an employee, contractor, or volunteer.
NCI	means National Cycling Institute, a federal not-for-profit corporation
Participant	means a participant, staff member, volunteer, coach, spectator or any other person attending an NCI event and, for a participant who is a minor, includes the adult who is responsible for that Participant .
Stakeholder	means an Individual or a Participant

2.2. Purpose

NCI strives to provide a safe, positive, and fulfilling environment for **Stakeholders**. This purpose of this policy is to ensure **NCI** maintains such an environment by making stakeholders aware that at all times there is an expectation of appropriate behaviour.

2.3. Scope

NCI does not condone, nor tolerate abuse or assault of any kind, including physical abuse, neglect, sexual abuse, or emotional abuse. **NCI** does not condone, nor tolerate bullying or harassment. This policy sets out what constitutes abuse, bullying and harassment and what to do in the event these things occur.

Accordingly, all **Stakeholders** are responsible for making every reasonable effort to uphold this commitment. Specifically, this includes refraining from abuse/assault, harassing or bullying behaviour, responding promptly and informally to minor incidents of harassment or bullying and responding formally to incidents of abuse/assault, and to serious incidents of harassment or bullying by following the reporting guidelines set out herein, and the requirements of relevant provincial and federal legislation. **Stakeholders** are expected to refrain from abuse/assault, harassing or bullying behaviour and are required to report incidents of abuse/assault, and encouraged to report incidents of harassment or bullying.

2.4. Abuse

a. Child Abuse

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust. Across Canada a person is

considered a child up to the age of 16 to 19 years depending on provincial/territorial legislation. In Ontario a child is any person under the age of 18.

i. Emotional Abuse

Emotional abuse is a chronic attack on a child's self-esteem; it is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take various forms, including but not limited to, name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the child's needs.

ii. Physical Abuse

Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This can take various forms, including but not limited to slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment, or the threat to do any of the foregoing.

iii. Neglect Abuse

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 cycling when, for example, injuries are not adequately treated or cyclists are made to ride with injuries, equipment is inadequate or unsafe, no one intervenes when **Participants** are persistently harassing another **Participant**.

iv. Sexual Abuse

Sexual abuse is when a young person is used by an older child, adolescent or adult for his or her own sexual stimulation or gratification. There are two categories:

CONTACT	NON-CONTACT
Touched or fondled in sexual areas	Obscene remarks on phone/computer or in notes
Forced to touch another person's sexual areas	Voyeurism
Kissed or held in a sexual manner	Shown pornography
Forced to perform oral sex	Forced to watch sexual acts
Vaginal or anal intercourse	Sexually intrusive questions and comments
Vaginal or anal penetration with an object or body part	Forced to pose for sexual photographs, videos, or webcams
Sexually oriented hazing	Forced to self-masturbate or forced to watch others masturbate

v. Duty to Report

NCI is committed to help reduce and prevent the abuse and neglect of **Participants**. **NCI** realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore, these people have a particular reporting responsibility to ensure the safety of youth, by knowing their provincial protection acts and following through as required. 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. Consequently, it is the policy of **NCI** that any **Stakeholder** who has reasonable grounds to suspect that a person is or may be suffering or may have suffered from emotional abuse, physical abuse, neglect, and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. In addition, the same information shall forthwith be reported to the chairperson of the **NCI** board of directors, or in his or her absence, to any other **NCI** board member.

Those involved with **NCI** in providing cycling opportunities for **Participants** understand and agree that abuse or neglect, of any kind, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence and thereby, failure to provide safety for Participants may render the adult who keeps silent legally liable for conviction under the provincial child protection acts.

b. Non-Child Abuse and Assault

Abuse is not limited as to against children, and may be perpetrated against adults as well. This applies to three of the above forms of abuse (Emotional, Physical, Sexual), and could also apply to Neglect in the event a **Stakeholder** has a disability requiring the care of others. Although the above sections are written from the perspective of a child victim of abuse, for the purpose of this section, they should be read (making the necessary adjustments) from the perspective of an adult victim of abuse. Where necessary the concept of Assault should be substituted for Abuse, such as in the section Sexual Abuse.

As pertains to Sexual Abuse/Assault, the table set out above is modified as follows:

CONTACT	NON-CONTACT
Touched or fondled without consent in sexual areas	Forced to view pornography
Forced to touch another person’s sexual areas	Forced to watch sexual acts
Kissed or held in a sexual manner without consent	Forced to pose for sexual photographs, videos, or webcams
Forced to perform oral sex	Forced to self-masturbate or forced to watch others masturbate
Vaginal or anal intercourse without consent	
Vaginal or anal penetration with an object or body part without consent	
Sexually oriented hazing	

i. Duty to Report

If anyone has reasonable grounds to suspect abuse has occurred, that person shall immediately report such suspicion and the information on which it is based to the chairperson of the **NCI** board of directors, or in his or her absence, any other **NCI** board member.

c. Immediate Suspension

NCI takes allegations of abuse or assault very seriously. NCI shall immediately suspend any **Individual** who becomes the subject of abuse or assault allegations, with or without pay, at the sole discretion of the NCI board of directors. The purpose of immediate suspension is to limit future risk. Any Individual found to have violated any part or parts of this anti-Abuse policy shall be subject to further disciplinary action, up to and including immediate termination of employment or engagement for cause.

2.5. Harassment and Bullying

Some behaviours which are defined as harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries, can also constitute abuse, when a child or youth's protection is at risk. This section covers such behaviours. Together, this section and the section on Abuse address the spectrum of abusive, bullying and harassing behaviours.

Harassment is a form of discrimination which is prohibited by human rights legislation in Canada. Bullying involves a person expressing their power through the humiliation of another person. Bullying may be a form of harassment but also has some of its own defining characteristics. The sport setting is one setting in which bullying occurs. In some cases coaches and athletes use bullying tactics deliberately to motivate performance and to weaken opponents.

a. Harassment

Harassment is defined as conduct, gestures or comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals, and which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions. Any of the different forms of harassment may be based on the grounds prohibited in human rights legislation, such as race, place of origin, ethnicity, colour, citizenship, religion, age, sex, gender identity, gender expression, age, marital status, family status, disability, pardoned conviction and sexual orientation. Harassment may occur among anyone, between peers (eg: athlete to athlete of the same age group, parent to official, coach to coach) or between someone in a position of power or authority and an adult in a subordinate position (eg: coach to athlete, sports administrator to employee).

The following is a non-exhaustive list of examples of harassment:

- a. unwelcome jokes, innuendo or teasing about a person's body, looks, race, sexual orientation etc.;
- b. condescending, patronizing, threatening or punishing actions which undermine self-esteem;
- c. practical jokes which cause awkwardness or embarrassment, or may endanger a person's safety;
- d. degrading or inappropriate hazing rituals;
- e. unwanted or unnecessary physical contact including touching, patting, pinching; or
- f. unwanted conduct, comments, gestures or invitations of a sexual nature which are likely to cause offence or humiliation, or which might on reasonable grounds be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or advancement

b. Bullying

Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights legislation. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets

(most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or between adults). Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying. The actual issue of bullying is not addressed by the law, except when the behaviour does become a criminal issue – e.g., extortion, physical assault etc.. Bullying can be broken down into four types; physical (hit or kick victims; take/damage personal property), verbal (name calling; insults; constant teasing), relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person), and cyber bullying. The following is a non-exhaustive list of tactics used by bullies to control their targets:

- a. unwarranted yelling and screaming directed at the target;
- b. continually criticizing the target's abilities;
- c. blaming the target of the bullying for mistakes;
- d. making unreasonable demands related to performance;
- e. repeated insults or put downs of the target;
- f. repeated threats to remove or restrict opportunities or privileges;
- g. denying or discounting the target's accomplishments; or
- h. threats of and actual physical violence

c. Response and Remedies

It is the position of **NCI** that harassment and bullying cannot and should not be tolerated. **NCI** recognizes the serious negative impact of all types of harassment and bullying on personal dignity, individual and group development and performance, enjoyment of the sport and in some cases, personal safety.

At the same time, **NCI** recognizes that not all incidents of harassment and bullying are equally serious in their consequences. Both harassment and bullying cover a wide spectrum of behaviours, and the response to both must be equally broad in range, appropriate to the behaviour in question and capable of providing a constructive remedy. There must be no summary justice or hasty punishment. The process of investigation and settlement of any complaint of harassment or bullying must be fair to all parties, allowing adequate opportunity for the presentation of a response to the allegations.

Minor incidents of harassment or bullying should be corrected promptly and informally, taking a constructive approach and with the goal of bringing about a change in negative attitudes and behaviour.

More serious incidents should be reported to the **NCI** Head Coach or to the Chairperson of the **NCI** board of directors, or to any other member of the **NCI** board for investigation. Complaints should be handled in a timely, sensitive, responsible and confidential manner. There should be no tolerance of reprisals taken against any party who brings forward a complaint in good faith. The names of parties and the circumstances of the complaint should be kept confidential except (i) to the **NCI** board of directors, and (ii) where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Anyone making a complaint which is found to be clearly unfounded, false, malicious or frivolous may be subject to suspension from any **NCI** duties or engagement and/or from the participation in any **NCI** events. Any Individual in violation of any part or parts of this anti-bullying and anti-harassment policy shall be subject to disciplinary action, up to and including immediate termination of employment or engagement for cause.

