



FREDERICTON DISTRICT SOCCER ASSOCIATION

POLICY 013

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Subject: Policy for the Protection of Players from Misconduct by Any Person Affiliated with the FDSA (Player Protection Policy)

Effective: February 10, 2004 (except for section 6.6.2)

Revised:

1.0 PURPOSE

- To protect players from abusive behaviour by persons affiliated with the FDSA, to which they may be exposed by virtue of being FDSA members, including physical, sexual and emotional abuse, harassment and discrimination.
- To eliminate abusive behaviours through prevention and effective intervention.

2.0 APPLICATION

2.1 To whom does this policy apply?

2.1.1 This policy applies to persons whose job or role places them in contact with players and who are thereby deemed to have conferred on them a position of trust. This includes all FDSA staff members employed on a full-time, part-time or seasonal basis, as well as volunteers, including Board members, coaches, assistant coaches, team managers, committee members and officials.

2.1.2 This policy also applies in cases of abuse or harassment of a child by another child, or an adolescent as well as an adult.

2.2 Under what circumstances does this policy apply?

This policy applies:

- Whenever a player is the responsibility of the FDSA;
- When an adult affiliated with the FDSA abuses any child, whether or not the child is a participant in FDSA programs.

3.0 DEFINITIONS

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. In New Brunswick a person is considered a minor up to the age of 19.



3.1 Abuse and Neglect of Minors

Abusive and neglectful behaviour, as defined in this policy, has one or more of the following components:

- is counter to the position of trust conferred upon adults affiliated with the FDSA;
- is a breach of section 31(1) of the *Family Services Act*;
- is a *Criminal Code* offense involving children;
- is a form of discrimination under the *Human Rights Act*.

Failure to report, or the lack of action by a player to stop abusive behaviour, shall not be considered consent. Ignorance of acceptable conduct shall not be considered an excuse for unacceptable conduct.

3.1.1 Sexual abuse

Sexual abuse is when a young person is used by an adult, older child, or adolescent for his or her own sexual stimulation or gratification. There are two categories: contact and non-contact. While sexual contact such as touching, fondling, kissing, penetration or sexually oriented hazing will be considered more serious, non-contact abuse such as asking for or accepting a date with a minor, requests for sexual favours, obscene remarks, sexual comments, voyeurism, and sexually intrusive questions are also considered sexual abuse.

3.1.2 Physical abuse

Physical abuse occurs when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

3.1.3 Emotional abuse

This 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 the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing, causing unfair disadvantage, or ignoring the child's needs.

3.1.4 Neglect

This is chronic inattention to the basic necessities of life. In sport, neglect may be considered to have occurred 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.

3.2 Harassment

Some behaviours which are defined as abuse when directed towards a child or youth may constitute harassment when directed towards a peer or when perpetrated between adults. The FDSA recognizes that not all incidents of harassment are equally serious in their consequences. Harassment covers a wide spectrum of behaviours, and the response to harassment must be



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equally broad in range, appropriate to the behaviour in question, and capable of providing a constructive remedy. Types of behaviour that constitute harassment include, but are not limited to:

- unwelcome jokes, innuendo, remarks or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- any form of hazing;
- any form of physical assault;
- sexual harassment as defined in this policy;
- behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative or hostile environment; or
- retaliation or threats of retaliation against an individual who reports harassment.

4.0 LEGAL AUTHORITY

Section 11 (h) of the *FDSA Constitution*
Section 31(1) of the *Family Services Act*
Criminal Code of Canada
NB Human Rights Act

5.0 GOALS / PRINCIPLES

- The FDSA is committed to providing an environment which is safe, orderly, inviting and conducive to the pursuit of excellence in soccer.
- The FDSA believes that all individuals are intrinsically valuable and must be treated as such.
- The FDSA will not tolerate abuse or neglect within its organization, or at any time on the part of its staff or volunteers, including Directors, coaches, players, officials or other members.
- The FDSA expects every volunteer, and staff member to take all reasonable steps to safeguard the welfare of its participants and protect them from maltreatment.

6.0 REQUIREMENTS / STANDARDS

6.1 Procedure for Reporting, Receiving and Responding to a Complaint

6.1.1 Abuse of Minors Who are Participants in FDSA Programs

When any person affiliated with the FDSA has a reasonable belief that in the course of FDSA business, activities or events a minor is being abused or neglected, **he or she shall report this belief to New Brunswick child protection authorities or police and shall also advise the Executive Director or the President of the FDSA of having made this report.**



6.1.2 Abuse of Minors by a Person Affiliated with the FDSA

When any person affiliated with the FDSA has a reasonable belief that any minor, whether or not they are a participant in FDSA programs, is being abused or neglected by a person affiliated with the FDSA, **he or she shall report this belief to New Brunswick child protection authorities or police and shall also advise the Executive Director or the President of the FDSA of having made this report.**

6.1.3 Anonymity of Reports

Any person who makes a report to the FDSA under section 6.1.1 or 6.1.2 may do so anonymously.

6.1.4 Persons Experiencing Abuse or Harassment

Any person who experiences abuse or harassment is encouraged to contact the City Police and/or child protection authorities, and to make a report to the Executive Director or the President of the FDSA.

6.1.5 Role of the Person to whom a Report is Made

Once an incident is reported, the role of the person to whom a complaint is made (Executive Director or President) is to serve in a neutral, unbiased capacity in receiving the report, advising the parents or guardians of the alleged incident (in the case of a minor), developing a report for the FDSA, and assisting in an investigation into and/or resolution of the complaint.

6.1.6 Fact-Finding

- If informal resolution is not appropriate or possible, the Executive Director or the President will assist in the preparation of a formal written complaint and will provide a copy to the Board.
- A Harassment Officer, appointed by the Board, will gather the facts surrounding the alleged incident by reviewing the complaint, speaking directly with the complainant and the person against whom the complaint is made (the "respondent") and any witnesses who may have relevant facts or observations. The respondent will be given the opportunity to provide a written statement.
- The fact-finding process will be carried out in a timely manner and the results summarized in a written report.
- The Harassment Officer will decide if the complaint should be dealt with informally, in which case it will provide the appropriate response and the matter will be concluded.
- The Harassment Officer may determine that the alleged offense is of such seriousness as to recommend to the Board immediate suspension of the individual from activities with the FDSA pending a more formal review of the complaint, either internally or externally.

6.1.7 Reviewing Complaints

- If the Harassment Officer determines the complaint should be dealt with more formally, he or she will appoint three unbiased individuals to serve as a Harassment Committee and will appoint one as the Chair. Both genders will be represented on the Committee.
- The Harassment Officer will then, at his or her sole discretion, and having regard to the nature of the complaint and the potential seriousness of the outcome, determine a



procedure to be used by the Committee to review the complaint. Possible procedures are found in the Guidelines section.

- The respondent must be informed by the Harassment Officer of the nature of the complaint **at the latest** when the investigation is launched.

6.1.8 Decision

- After reviewing and deciding any matter, the Harassment Committee will present its findings in a report to the President with a copy provided to both the complainant and the respondent, containing:
 - a summary of relevant facts;
 - a determination as to whether the acts complained of constitute abuse or harassment as defined in this policy;
 - disciplinary action to be taken, if the acts constitute abuse or harassment; and
 - measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute abuse or harassment.
- The decision of the Committee shall be final and binding upon the complainant, the respondent and the FDSA.

6.1.9 Official Investigation

- Where a complaint is the subject of an investigation by the police or Child Protection Services, the FDSA shall cooperate fully with the authorities.
- A police or other official investigation does not preclude the establishment of a Harassment Committee or FDSA action.

6.2 Confidentiality

The FDSA recognizes the sensitive and serious nature of abuse and harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, the FDSA will do so.

6.3 Disciplinary Action

When it has been determined that there has been abuse or harassment under this policy, the FDSA Executive shall enforce the decision of the Harassment Committee. Disciplinary action will reflect the seriousness of the breach, using the definitions in this policy as a guideline and any relevant previous discipline. It may involve:

- verbal apology;
- written apology;
- letter of reprimand from the FDSA;
- a fine or levy;
- referral to counseling;
- removal of certain privileges of employment or association with FDSA;
- temporary suspension from employment with or without pay;
- suspension of membership;
- termination of employment or contract;
- expulsion from membership; or
- any other sanction that the Committee considers appropriate in the circumstances.

In all instances where an adult is found to have had a sexual relationship with a minor or has sexually abused any member, this shall be cause for dismissal of the adult from all activities of the FDSA.



6.4 False or Malicious Complaints

A complaint under this policy that involves falsehood or malicious intent or that is otherwise made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action up to and including: suspension from FDSA activities in the case of children; dismissal of staff; or revocation of FDSA membership and banning from all FDSA activities and events in the case of parents and volunteers. Disciplinary action by the FDSA does not preclude the respondent from pursuing civil action.

6.5 Record Keeping and Reporting

The FDSA Office shall keep a record of all complaints made under this policy, the process used to review the complaints, the decisions made and the actions taken. It will provide a report on decisions made under this policy to Soccer New Brunswick.

6.6 Prevention of Abuse and Harassment

6.6.1 Education

Education is the most basic prevention. Abusive behaviour must be treated as destructive, seriously affecting individuals and the FDSA as a whole. The Board is responsible for ensuring that all staff, volunteers and others affiliated with the FDSA are familiar with this policy.

6.6.2 Screening Practices

Over the three years starting May 2004, the Board must establish procedures to ensure criminal records checks are carried out for all staff and coaches, and may establish other screening procedures as it sees fit. This section therefore only comes fully into force as of May 1, 2007.

6.6.3 Employment of Persons Charged or Convicted of Crimes Against Children

No person who has been convicted of crimes against children shall be employed by the FDSA in any capacity, either paid or volunteer.

6.6.4 Letters of Reference

Conduct which has resulted in disciplinary action under this policy to the extent of suspension or greater, or which is under investigation under this policy with the potential to result in suspension or more severe disciplinary action, must be revealed in any letter of reference written on behalf of an employee or volunteer. Knowingly issuing a letter of reference which is incomplete or dishonest is a violation of this policy.

7.0 GUIDELINES / RECOMMENDATIONS

As per section 6.1.7 above, the Harassment Officer shall determine the procedure to be used by the Harassment Committee in reviewing the complaint. Possible procedures are listed below from the least formal to the most formal:

- The Committee will review the statement of the complainant, the respondent and the report of the person to whom the complaint was made (Executive Director or President) and will then render a decision; or



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- The Harassment Officer will appoint an outside investigator who will conduct a formal investigation of the alleged incident and will provide a written report to the Committee. The Committee will consider this report, as well as the statements of the complainant and the respondent, and the person to whom the complaint was made, and will then render a decision; or
- The Harassment Officer will appoint an outside investigator who will conduct a formal investigation of the alleged incident and will provide a written report to the Committee. The Committee will review this report at a hearing with the complainant and respondent present, may ask questions of the complainant and respondents, and may allow the complainant and respondent to ask questions of each other. Following the hearing, the Committee will render its decision; or
- The Committee will convene a hearing involving the complainant, the respondent and witnesses. The complainant and respondent will have an opportunity to present evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the Committee will render its decision; or
- Any other appropriate combination of the above.

8.0 REFERENCES

- *Abuse and Harassment Resource Guide* - Sport New Brunswick - www.sport.nb.ca/
- *It's More Than Just a Game (The Prevention of Bullying, Harassment and Abuse in Sports)* – Canadian Red Cross
- Centre for Sport and Law Inc. - www.sportlaw.ca/

9.0 CONTACTS FOR MORE INFORMATION

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