



TWILIGHTER RUGBY CLUB

est. 1975

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SAFE SPORT DEFINITIONS

The terms defined below apply to all policies as part of the Safe Sport paradigm.

* Indicates a section that has been adapted from the “Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)” Version 6.0.

DEFINITIONS

1. **Abuse** – Includes psychological maltreatment, physical maltreatment, and/or neglect of vulnerable participants by persons in authority and which can have the following warning signs:
 - a) Recurrent unexplained injuries.
 - b) Alert behaviour; seems to always be expecting something bad to happen.
 - c) Often wears clothing that covers up their skin, even in warm weather.
 - d) Startles easily, shies away from touch or shows other skittish behaviour.
 - e) Constantly seems fearful or anxious about doing something wrong.
 - f) Withdrawn from peers.
 - g) Behavior fluctuates between extremes (e.g., extremely cooperative or extremely demanding).
 - h) Acting either inappropriately beyond their age or inappropriately younger than their age.
 - i) Acting out in an inappropriate sexual way with toys or objects.
 - j) New adult words for body parts and no obvious source.
 - k) Self-harm (e.g., cutting, burning or other harmful activities).
 - l) Not wanting to be alone with a particular person.

2. ***Consent** – Consent is defined in Canada’s Criminal Code as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The Criminal Code also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else’s behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn’t take proper steps to check if there was consent.

Sexual activity with a person under the age of 18 years, particularly when the other person is in a position of trust and authority, is a criminal offense.

3. ***Disclosure** – The sharing of information by a participant regarding an incident or a pattern of maltreatment experienced by that participant. Disclosure does not constitute a formal report that initiates a process of investigation to address the maltreatment, but does not mitigate the ethical, moral, and legal *duty to report*.
4. **Discrimination** – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
5. ***Duty to Report** – Participants have a duty to report concerns of inappropriate conduct of other participants to uphold the ethical standards and values of Canadian sport. Reporting inappropriate conduct is important to ensure proper action is taken and expectations are re-established. By addressing inappropriate conduct, a collective responsibility to protect participants from maltreatment is enacted.
6. **Harassment** – A course of vexatious comment or conduct against a participant or group, which is known or ought reasonably to be known to be unwelcome. Types of behaviour that constitute harassment include, but are not limited to:
 - a) Written or verbal abuse, threats, or outbursts;
 - b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
 - c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
 - d) Leering or other suggestive or obscene gestures;
 - e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - f) Practical jokes which endanger a person's safety, or may negatively affect performance;
 - g) Hazing – which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
 - h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - i) Deliberately excluding or socially isolating a person from a group or team;
 - j) Persistent sexual flirtations, advances, requests, or invitations;
 - k) Physical or sexual assault;
 - l) Contributing to a poisoned sport environment, which can include:
 - i. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
 - ii. Groups where harassing behaviour is part of the normal course of activities
 - iii. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
 - m) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and

- n) Retaliation or threats of retaliation against a person who reports harassment to the Twiligher Rugby Club.

7. ***Maltreatment** – Includes Maltreatment related to:

- a) *Psychological Maltreatment* – which includes, without limitation, verbal acts, non- assaultive physical acts and acts that deny attention or support
 - i. Verbal Acts - Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one’s identity (e.g. race, gender identity or expression, ethnicity, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person’s reputation; using confidential sport and non-sport information inappropriately. Verbal maltreatment may also occur in online forms.
 - ii. Non-assaultive Physical Acts (no physical contact) - Physically aggressive behaviors, including but not limited to, throwing objects at or in the presence of others without striking another; hitting, striking or punching objects in the presence of others.
 - iii. Acts that Deny Attention or Support - Acts of commission that deny attention, lack of support or isolation including but not limited to, ignoring psychological needs, or socially isolating a person repeatedly or for an extended period of time; abandonment of an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.
- b) *Physical Maltreatment* – includes, without limitation, contact or non-contact behaviours that have the potential to cause physical harm.
 - i. Contact behaviours - Including but not limited to, deliberately punching, kicking, beating, biting, striking, strangling, or slapping another; deliberately hitting another with objects.
 - ii. Non-contact behaviours - Including (but not limited to), isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a hard surface); the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a participant under the legal drinking age; providing illegal drugs or non-prescribed medications to a participant; encouraging or knowingly permitting an athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; encouraging an athlete to perform a skill for which they are known to not be developmentally ready.
- c) *Sexual Maltreatment* – includes, without limitation, any act targeting a person’s sexuality, gender identity or expression, that is committed, threatened, or attempted against a person, and includes but is not limited to the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism, and non-consensual distribution of sexual/intimate images. Sexual maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Examples include:
 - i. Any penetration of any part of a person’s body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - 1. Vaginal penetration by a penis, object, tongue, or finger; or
 - 2. Anal penetration by a penis, object, tongue, or finger; and
 - 3. Oral penetration by a penis, object, tongue, or finger;

- ii. Any intentional touching of a sexual nature of any part of a person's body, however slight, with any object or body part by a person upon another person, including but not limited to:
 - 1. Kissing;
 - 2. Intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
 - 3. Any contact, no matter how slight, between the mouth of one person and the genitalia of another person, and
 - 4. Making another touch themselves, the Participant, or someone else with or on any of the body parts listed in b).
 - 5. Any intentional touching in a sexualized manner of the relationship, context or situation
- iii. In addition to the criminal acts identified above, the UCCMS prohibits sexual relations between an athlete above the age of majority and a participant who holds a position of trust and authority on the basis that there can be no consent where there is a power imbalance.
- d) *Neglect* – or acts of omission, includes without limitation: not providing an athlete recovery time and/or treatment for a sport injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); 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, subjecting participants to the risk of maltreatment.
- e) *Interference with or Manipulation of Process* – it is considered maltreatment if an adult participant directly or indirectly interferes with a process by:
 - i. Falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
 - ii. Destroying or concealing information;
 - iii. Attempting to discourage an individual's proper participation in or use of the processes of The Twilghter Rugby Club;
 - iv. Harassing or intimidating (verbally or physically) any person involved in the processes before, during, and/or following any proceedings of The Twilghter Rugby Club;
 - v. Publicly disclosing a Participant's identifying information, without the Participant's agreement;
 - vi. Failing to comply with any temporary or provisional measure or other final sanction;
 - vii. Distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
 - viii. Influencing or attempting to influence another person to interfere with or manipulate the process;
 - ix. Retaliation – which means that a participant shall not take an adverse action against any person for making a good faith report of possible maltreatment or for participating in any process related to alleged conduct violations. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the processes of The Twilghter Rugby Club. Retaliation after the conclusion of investigation and sanction processes is also prohibited. Retaliation may be present even where there is a finding that no maltreatment occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of possible maltreatment;

- x. Aiding and Abetting – which is any act taken with the purpose of facilitating, promoting, or encouraging the commission of maltreatment by a participant. Aiding and abetting also includes, without limitation, knowingly:
 - 1. Allowing any person who has been suspended or is otherwise ineligible to be in any way associated with sport or to coach or instruct participants;
 - 2. Providing any coaching-related advice or service to an Athlete who has been suspended or is otherwise ineligible; and
 - 3. Allowing any person to violate the terms of their suspension or any other sanctions imposed.
 - f) *Reporting* – it is considered maltreatment to fail to report maltreatment. A legal duty to report is mandated by law, and the requirement varies by province depending on provincial legislation.
 - i. Failure to Report Inappropriate Conduct
 - 1. Not all inappropriate conduct may meet the threshold for constituting maltreatment. However, such inappropriate conduct may represent behavior with the risk of escalating to maltreatment. Any participant who suspects or becomes aware of another participant’s inappropriate conduct, even if it is not defined as maltreatment, has a duty to report such inappropriate conduct through the organization’s internal procedures. Those in positions of trust and authority who become aware of another’s inappropriate conduct have a responsibility for reporting the concern within their organization’s policies and procedures. The person making the report does not need to determine whether a violation took place, instead, the responsibility lies in reporting the objective behaviour.
 - ii. Intentionally Filing a False Allegation
 - 1. An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur.
 - 2. 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 grounds for a violation.
9. ***Neglect** – Any pattern or a single serious incident of lack of reasonable care, inattention to a participant’s needs, nurturing or well-being, or omissions in care. Neglect is determined by the objective behaviour, but the behaviour must be evaluated with consideration given to the participant’s needs and requirements, not whether harm is intended or results from the behaviour. Neglect is also a prohibited behaviour listed under the definition of maltreatment.
10. ***Physical Maltreatment** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the participant. Physical maltreatment includes, without limitation, contact or non-contact infliction of physical harm. Physical maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. Physical maltreatment is also a prohibited behaviour listed under the definition of maltreatment.
11. ***Power Imbalance** – A power imbalance may exist where, based on the totality of the circumstances, a participant has supervisory, evaluative, a duty of care, or other authority over another participant. A power imbalance may also exist between an athlete and other adults involved in sport in positions such as high-performance directors, sport specific health-care providers, sport science support staff, care or support

persons, guides, or pilots. Maltreatment occurs when this power is misused. Once a coach-athlete relationship is established, a power imbalance is presumed to exist throughout the coach-athlete relationship, regardless of age, and is presumed to continue after the coach-athlete relationship terminates. A power imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between consenting adults that preceded the sport relationship).

12. ****Psychological Maltreatment*** – Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the participant. Psychological maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support. Psychological maltreatment is determined by the objective behaviour, not whether harm is intended or results from the behaviour. Psychological Maltreatment is also a prohibited behaviour listed under the definition of maltreatment.
13. ****Sexual Maltreatment*** – Any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a participant without the participant’s consent. It includes any act targeting a participant’s sexuality, gender identity or expression, that is committed, threatened, or attempted against a participant without that participant’s consent, and includes but is not limited to, the Criminal Code Offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual maltreatment also includes sexual harassment and stalking, cyber harassment, and cyber stalking of a sexual nature. Sexual maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party). Sexual maltreatment is also a prohibited behaviour listed under the definition of maltreatment.
14. ***Workplace Harassment*** – Vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace harassment include, but are not limited to:
 - a) Bullying;
 - b) Workplace pranks, vandalism, bullying or hazing;
 - c) Repeated offensive or intimidating phone calls or emails;
 - d) Inappropriate sexual touching, advances, suggestions or requests;
 - e) Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
 - f) Psychological abuse;
 - g) Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings;
 - h) Deliberately withholding information that would enable a person to do his or her job, perform or train;
 - i) Sabotaging someone else’s work or performance;
 - j) Gossiping or spreading malicious rumours;
 - k) Intimidating words or conduct (offensive jokes or innuendos); and
 - l) Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.

15. **Workplace Violence** – The use of or threat of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a workplace that could cause physical injury to the worker. Types of behaviour that constitute workplace violence include, but are not limited to:

- a) Verbal or written threats to attack;
- b) Sending to or leaving threatening notes or emails;
- c) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
- d) Wielding a weapon in a workplace;
- e) Hitting, pinching or unwanted touching which is not accidental;
- f) Dangerous or threatening horseplay;
- g) Physical restraint or confinement;
- h) Blatant or intentional disregard for the safety or wellbeing of others;
- i) Blocking normal movement or physical interference, with or without the use of equipment;
- j) Sexual assault; and
- k) Any attempt to engage in the type of conduct outlined above

REVIEW AND APPROVAL

Version 1.1 of this Policy has been reviewed and approved by the Twilighter Rugby Club executive board on 28/05/2023.

Version 1.0 – 07/05/2023 DAL