

**Manitoba Amateur Wrestling Association
HARASSMENT AND ABUSE POLICIES
& PROCEDURES**

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1. PREVENTION OF ABUSE POLICY

This policy sets out the principles and practices of the MAWA with regard to abusive behaviour towards participants. Each member association, club or league is responsible for adopting a similar policy and adapting it to reflect their specific needs.

1.1 Relationship to Harassment Policy

Some behaviours that are defined as abuse (see Appendix) when directed towards a child or youth may constitute harassment when directed towards a peer or when perpetrated between adults. The MAWA's Harassment Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive and harassing behaviours.

1.2 Policy Statement

1. MAWA is part of the sporting community in our country that is committed to seeking better ways to keep our youth safe.
 2. It is the policy of MAWA that there shall be no abuse and neglect, whether physical, emotional or sexual of any participant in any of its programs. The MAWA expects every parent, volunteer and staff member to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment.
 3. MAWA will promote awareness of all forms of abuse and neglect by providing educational materials and programs for participants, parents, volunteers and staff members.
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1.3 Duty to Report

1. MAWA realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore we have a particular reporting responsibility to ensure the safety of Manitoba's young, by knowing our provincial protection acts and following through as required.
2. Manitoba has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently, it is the policy of the MAWA that any MAWA personnel (part-time and full-time staff, volunteer, participant, team official,) or MAWA partner (parent, guardian) who, has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and 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 Manitoba a child is considered anyone under the age of 18.

2. HARASSMENT POLICY

This policy sets out the principles and practices of the MAWA with regard to inappropriate behaviour towards participants. Each member association, club or league is responsible for adopting a similar policy and adapting it to reflect their specific needs.

2.1 Relationship to Prevention of Abuse Policy

Some behaviours that might be described as harassment (see Appendix) when directed towards an adult, may constitute abuse when directed towards a child or youth by any person with power or authority over the person harassed. The MAWA's Prevention of Abuse Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive and harassing behaviours.

2.2 Policy Statement

1. MAWA is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.
 2. Harassment is a form of discrimination and MAWA is committed to providing an environment free from harassment on the basis of race, nationality or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, or disability. Harassment on the basis of any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada.
 3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada's *Criminal Code*.
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2.3 Application

1. This policy applies to all MAWA employees as well as to all MAWA directors, officers, volunteers, coaches, athletes, officials and members of MAWA. It applies to harassment that may occur during the course of all MAWA business, activities and events.
 2. Harassment arising within the business, activities and events of clubs or other organizations affiliated with MAWA shall be dealt with using the policies and mechanisms of such organizations.
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2.4 Response and Remedies

1. MAWA 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 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 must be fair to all parties, allowing adequate opportunity for the presentation of a defense to the charges.
2. Minor incidents of harassment (e.g.: inappropriate jokes) should be corrected promptly and informally, taking a constructive approach with the aim of bringing about a change in negative attitudes and behaviour.
3. More serious incidents (e.g.: a course of repeated taunting, any form of sexual or physical assault) should be dealt with according to the association policy guidelines. Complaints should be handled in a timely, sensitive, responsible and confidential manner. There should be no tolerance of reprisals taken against any party to a complaint. The names of parties and the circumstances of the complaint should be kept confidential except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.
4. Anyone making a complaint, which is found to be clearly unfounded, false, malicious or frivolous, will be subject to discipline.
5. Procedures for the handling of complaints brought against employees or volunteers of the MAWA are detailed in the “Harassment Complaint Procedures”.

3. HARASSMENT COMPLAINT PROCEDURES

Note: For convenience, this policy uses the term “Complainant” to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term “Respondent” refers to the person against whom a complaint is made.

3.1 Minor Instances of Harassment

This policy does not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes a minor incident of harassment.

3.2 Reporting Harassment

1. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to the policies of MAWA.
2. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the Complainant should request a meeting with an Official of MAWA. For the purposes of this Policy, an “Official” is any MAWA Harassment Advisor, Executive Director, Board Member or other individual occupying a position of authority within the MAWA.
3. Once contacted by a Complainant the role of the Official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the Official considers that he or she is unable to act in this capacity, the Complainant will be referred to another suitable MAWA Official.
4. Where a person believes that a director, officer, employee, volunteer or member of MAWA has experienced or is experiencing harassment and reports this belief to an Official, the Official will meet with the person said to have experienced harassment and proceed in accordance with these procedures.
5. Where an Official believes there is sufficient evidence to warrant laying a formal complaint but the Complainant does not wish to do so, the Official may lay a formal complaint and proceed in accordance with these procedures.

3.3 Confidentiality

The MAWA recognizes the sensitive nature of harassment matters and in particular, the difficulties associated with coming forward with a complaint of harassment and with being accused of harassment. The MAWA recognizes the interests of both the Complainant and the Respondent in keeping any matter being dealt with under this policy confidential, except where disclosure is required by a disciplinary proceeding or by law.

3.4 Complaint Procedure

1. There are three possible outcomes to a meeting of Complainant and Official:
 - a) It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;
 - b) The Complainant may decide to pursue an informal resolution of the complaint, in which case a mediator as agreed to by both the complainant and the respondent will assist the two parties to negotiate or mediate an acceptable resolution of the complaint; or
 - c) The Complainant may decide to lay a formal written complaint, in which case the Official will receive the written complaint and will advise the

Executive of the MAWA who will appoint an independent individual to conduct an investigation of the complaint.

2. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques. The Investigator shall gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint is made (the “respondent”), and any witnesses who, in the opinion of the Investigator, might have relevant facts or observations about the incident. The respondent shall also be given the opportunity to provide a written statement to the Investigator.
3. The Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the Executive which will include a recommendation that:
 - a) No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within the MAWA’s definition of harassment; or
 - b) The complaint has merit and should proceed to a hearing.
4. The Executive may determine that the alleged conduct is of such seriousness as to warrant suspension of the individual from the MAWA pending the hearing and decision of the Panel.
5. Within 10 business days of receiving the written report of the Investigator that recommends that there be a hearing, the Executive will appoint three individuals to serve as a Panel. The Panel shall consist of at least one male and one female.
6. At the discretion of the Executive, the investigation may be waived and a Panel appointed within 10 business days of receipt of a formal complaint.

3.5 Hearing

1. The Panel will hold the hearing as soon as possible, but not more than 15 business days after the Panel has been appointed.
2. The Panel will govern the hearing as it deems appropriate in the circumstances, provided that:
 - a) Members of the Panel shall select from among themselves a chairperson;
 - b) A quorum shall be all three Panel members;
 - c) Decisions shall be by majority vote where the chairperson carries a vote;
 - d) The parties may be accompanied by a representative;
 - e) The hearing will be held in private;
 - f) The parties will be given 10 business days written notice of the day, time and place of the hearing;
 - g) The Respondent will receive a copy of the formal complaint;
 - h) The Complainant and Respondent will each receive a copy of the Investigator’s report;

- i) Both the Complainant and Respondent will be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel. The hearing may proceed in the absence of either or both parties;
 - j) The Investigator may attend the hearing at the request of the Panel;
 - k) The Panel may request that witnesses to the incident be present or submit written evidence;
 - l) Once appointed, the Panel has the authority to abridge or extend timelines associated with all aspects of the hearing;
 - m) In the event that one of the Panel's members is unable or unwilling to continue with the hearing, the matter will be concluded by the remaining two Panel members who will make their decision unanimously.
3. In order to keep costs to a reasonable level the Panel may conduct the hearing by means of a telephone conference.

3.6 Decision

1. As soon as possible but in any event within 10 business days of the conclusion of the hearing, the Panel will provide its recommendations to the Executive with a copy provided to both the Complainant and Respondent. The decision will contain:
 - a) A summary of the relevant facts;
 - b) A determination as to whether the acts complained of constitute harassment as defined in this policy;
 - c) Recommended disciplinary action against the Respondent, if the acts constitute harassment; and
 - d) Recommended measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.
 2. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, its report may recommend that there be disciplinary sanctions against the Complainant.
 3. Unless the Executive decides otherwise, any disciplinary sanctions applied shall take effect immediately.
 4. Both the Complainant and Respondent shall have the right to appeal the decision and recommendations of the Executive, in accordance with the MAWA's Appeal Policy.
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3.7 Discipline

1. When recommending appropriate disciplinary action, the Panel shall consider factors such as:
 - a. The nature and severity of the harassment;
 - b. Whether the harassment involved any physical contact;
 - c. Whether the harassment was an isolated incident or part of an ongoing pattern;
 - d. The nature of the relationship between the complainant and respondent;
 - e. The age of the complainant;
 - f. Whether the respondent had been involved in previous harassment incidents;
 - g. Whether the respondent admitted responsibility and expressed a willingness to change; and
 - h. Whether the respondent retaliated against the complainant.

 2. In recommending disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
 - a. Verbal apology;
 - b. Written apology;
 - c. Letter of reprimand from the MAWA;
 - d. A fine or levy;
 - e. Referral to counseling;
 - f. Removal of certain privileges of membership or employment;
 - g. Demotion or a pay cut;
 - h. Temporary suspension with or without pay;
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APPENDIX

DEFINITIONS & TERMS

I. ABUSE

1. Child Abuse

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care that 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 Manitoba a child is considered any person under the age of 18.

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

3. 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 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.

4. Neglect

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 wrestling when injuries are not adequately treated or participants are made to play with injuries, weight loss or gain is required to "make weight", equipment is inadequate or unsafe; no one intervenes when teammates are persistently harassing another participant, or road trips are not properly supervised.

5. Sexual Abuse

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

Contact	Non-Contact
<ul style="list-style-type: none">• touched or fondled in sexual areas• forced to touch another person's sexual areas• kissed or held in a sexual manner• forced to perform oral sex• vaginal or anal intercourse• vaginal or anal penetration with an object or finger• sexually oriented hazing	<ul style="list-style-type: none">• obscene remarks on phone/computer or in notes• voyeurism• shown pornography• forced to watch sexual acts• sexually intrusive questions and comments• forced to pose for sexual photographs or videos• forced to self-masturbate or forced to watch others masturbate

II. HARASSMENT

1. Harassment is defined as conduct, gestures or comments directed toward an individual or group of individuals 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.
2. Any of the different forms of harassment may be based on the grounds prohibited in human rights legislation, such as race, ethnicity, sex, sexual orientation and religion.
3. Harassment may occur between peers (e.g.: player to player 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 (e.g.: coach to player, sports administrator to employee).
4. 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) Any form of hazing
 - e) Unwanted or unnecessary physical contact including touching, patting, pinching
 - 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
 - g) Leering, ogling or other suggestive or obscene gestures
 - h) Physical or sexual assault;
 - i) Behaviours such as those described above that are not directed towards individuals or groups but have the same effect of creating a negative or hostile environment;
 - j) Retaliation or threats of retaliation against an individual who reports harassment.
 - k) Condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;

5. Sexual Harassment

For the purposes of this policy, *sexual harassment* is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

- a) Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
- b) Such conduct has the purpose or effect of interfering with an individual's performance; or
- c) Such conduct creates an intimidating, hostile or offensive environment.

It is important to note that the behaviours described above, when directed towards a child or youth, constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices. In such cases, the duty to report provisions of the Prevention of Abuse Policy comes into effect.

III. HARASSMENT AND ABUSE – DIFFERENCES AND SIMILARITIES

Victim	Any person under age of majority as determined by Provincial and Territorial Child Protection Acts; may be male or female	Person of any age; may be male or female
Offender	Any person who has power or authority over victim and/or breaches trust; may be male or female	May be peer or person with power or authority over adult victim; may be male or female
Investigation	External to organization; referred to child welfare or police	Most often internal unless referred to police in cases of suspected physical or sexual assault or criminal harassment (stalking)
Follow-up actions	Determined by Provincial and Territorial Child Protection Acts and Criminal Code; civil suits may also occur	Determined by organization's harassment policies, Criminal Code, labour tribunals, civil action and/or Provincial Human Rights Tribunals; may be used concurrently or alone
Philosophy	The victim is not to blame; offenders are responsible for their behaviour	The victim is not to blame; offenders are responsible for their behaviour

Those involved with the MAWA in providing wrestling opportunities for participants understand and agree that abuse or neglect, as defined above, 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.

By educating our provincial body, members and wrestling association personnel, the MAWA is weaving a tighter safety web around our most precious resources... the participants.

This policy was approved by the MAWA Founding Board of Directors, effective date March 9 ,2007. It will be reviewed on an annual basis and may be amended, deleted or replaced by a resolution of the Board.