



Nage compétitive Competitive Swimming

Violence, Abuse, Harassment and Misconduct in Competitive Swimming

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The Policy against Violence, Abuse, Harassment and Misconduct Volunteering in Competitive Swimming sets clear guidelines to protect all members from such incidents.

DRAFT

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1. Introduction

Every summer, the hundreds of individuals participate in, and volunteer at, NAA Competitive Swimming Activities.

The NAA is committed to providing all participants with opportunities to develop interest for, and skills in, Competitive Swimming, while always ensuring a safe environment, free from violence, abuse, harassment and misconduct, for everyone. The current policy establishes a framework that prevents such situations from occurring, while creating clear mechanisms when notified of such incidents.

The NAA has the responsibility and obligation to protect all individuals participating at, contributing to and attending a Competitive Swimming activity, by guaranteeing a safe environment. Thereby, the NAA recognizes that shall take all reasonable measure to establish the aforementioned safe environment.

2. Application

The current policy applies to all individuals participating in, volunteering for or contributing to an NAA-organized or NAA-sanctioned Competitive Swimming activities. It also applies to any individual attending a Competitive Swimming event.

The current policy applies to all NAA-organized or NAA-sanctioned Competitive Swimming activities, including at Competitive Swimming training sessions.

The current Policy does not replace, supersede and by-law, provincial law or federal law, nor does it exempt any individual from abiding thereby.

3. Definition

Member: Any individual who participates, as a spectator, volunteer, coach, swimmer, official, lifeguard or other third-party, in an activity or event sanctioned by the NAA.

4. Objectives

The current Policy aims to:

- (a) Protect the rights and integrity of all individuals and members participating, volunteering, contributing or attending a Competitive Swimming Event, particularly individuals who are minors or in a vulnerable/dependent position;
- (b) Foster a healthy environment in which all members may contribute, develop skills and participate;
- (c) Establish a clear NAA standard with regard to the acceptable conduct and behaviour of its members;
- (d) Take reasonable measures to prevent, condemn and stop all forms of violence, abuse, harassment and misconduct during NAA Competitive Swimming activities.
- (e) Develop a formal and systemic monitoring mechanism, a reporting procedure, as well as an assessment and enforcement protocol in response to any incident relating to the present dispositions.



5. Principles

5.1. THE NAA DOES NOT TOLERATE ANY FORM OF VIOLENCE, ABUSE, HARASSMENT OR MISCONDUCT.

Above all, the Association values the importance of maintaining a safe environment, free from any form of violence, abuse, harassment or misconduct. The integrity of a person is and must always be inviolable. This objective takes precedence over any other, and is essential to upholding its mission of fun and participation for everyone. The Association will never engage in an activity if it cannot reasonable guarantee that this objective is upheld.

5.2. THE NAA RECOGNIZES THE IMPORTANCE OF THE COMMUNITY, AS WELL AS THE SHARED RESPONSIBILITY BETWEEN THE ASSOCIATION AND ITS MEMBERS, IN PREVENTING, CONDEMNING AND STOPPING SUCH INCIDENTS.

Addressing the causes and consequences of such behaviours is a collective responsibility held by all members.

The Association acknowledges that the prevention, condemnation and halting of situations of violence, abuse, harassment or misconduct can only be accomplished with the efforts of all members. All parties must deliberately take every reasonable measure against any form of violence, abuse, harassment or misconduct.

5.3. THE NAA INTENDS, WITH THE PRESENT POLICY, TO PROVIDE MEMBERS WITH RESOURCES AND GUIDELINES TO PREVENT, CONDEMN AND STOP SUCH INCIDENTS.

The Association recognizes its role to assist its members in implementing the best practices against violence, abuse, harassment and misconduct.

5.4. THE NAA INTENDS, WITH THE PRESENT POLICY, TO BUILD AWARENESS WITH REGARD TO SITUATIONS OF VIOLENCE, ABUSE, HARASSMENT AND MISCONDUCT.

With the recent incidents involving persons of authority and minors in Québec, the Association recognizes the importance of informing all members of their rights and recourses.

5.5. THE NAA RECOGNIZES THE IMPORTANCE OF PROTECTING AND PROMOTING OPEN DIALOGUE AMONGST MEMBERS OF THE COMMUNITY.

The Association holds that open criticisms of the Association, disagreements amongst members or situations of verbal confrontation are not to be automatically regarded as violence, abuse, harassment or misconduct. The Association values the right of all members to freely express their opinions and/or dissatisfactions within the Community.



6. Policy

6.1. RIGHT OF ALL MEMBERS

All members of the Association must have the absolute right to participate, practice, compete, work and volunteer in an environment free from violence, abuse, harassment and misconduct.

6.2. APPLICABLE LAWS AND BY-LAWS

All members must respect all applicable laws and by-laws with regard to violence, abuse, harassment or misconduct.

6.3. DEMONSTRATION OF RESPECT AND MAINTENANCE OF INTEGRITY AND DIGNITY

Members must maintain and enhance the dignity and self-esteem of other members through the following actions:

- (a) Demonstrating respect to individuals, regardless of body type, physical characteristics, physical ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation;
- (b) Excluding willfully derogatory, demeaning, discriminatory, defamatory, obscene, offensive or abuse comments;
- (c) Reporting or correcting, according to the member's authority, any action in violation of the current provision.

Amongst others, the following conducts are prohibited:

- (a) Denying someone fair and equitable access to participation in NAA activities for reasons other than those outlined in the policies, regulations, procedures and constitutional provisions of the Association;
- (b) Unfairly treating a member on the basis of characteristics protected by the *Charte des droits et libertés du Québec*;
- (c) Communicating hate messages;
- (d) Perpetuating misogynistic, racist, ableist, ageist, homophobic or transphobic attitudes, stereotypes or narratives;

Discrimination may be overt or subtle, and does not require the intention to cause harm.

No individual may be refused participation in NAA events or activities, for other reasons than those disclosed in the codes, policies, regulations and constitutional provisions of the Association.

6.4. PERSONAL BELIEFS, OPINIONS AND CONVICTIONS

All members have the right to express their personal beliefs, opinions or convictions, to the extent that it does not violate the present Policy, the rights of other members, nor violate any other regulation, code, policy or constitutional disposition of the Association.

6.5. RESPECT OF COACHES, VOLUNTEERS, OFFICIALS AND ORGANIZING MEMBERS

Members must respect coaches, volunteers, officials and organizing members at all times. No unfair, demeaning, violent, degrading or abusive treatment towards volunteers will be tolerated.



While open discussion is acceptable and encouraged, members must not unreasonably confront or “badger” any of the parties mentioned in the current section, in bad faith. In contesting a decision made by any such party, a member must discuss in good faith, with civility and with the intention of respecting official NAA procedures.

6.6. INAPPROPRIATE BEHAVIOUR OR INTERACTIONS WITH OPPOSING TEAMS

Members must never behave or interact, in such a way to discredit, disadvantage or discourage a team or its members in bad faith, or act with the intent to cause hate or humiliation against another team.

6.7. CONDUCT OF PERSONS IN AUTHORITY

A person in a position of authority must recognize the existing power imbalance and never abuse of his/her status for personal benefit. Persons in authority include, but are not limited to, coaches, officials, volunteers, meet organizers, members of the Executive Committee, and any other individual reasonably having a power imbalance with regard to another member.

A person in authority has the utmost responsibility to protect the health and well-being of other participants, while also taking the necessary actions to prevent, mitigate and respond adequately to, any suspected or observed situation of violence, abuse, harassment or misconduct against a member of the Association.

A person in authority must also take the necessary measures to prevent, correct and protect any member from discriminatory and humiliating actions which violate an individual's integrity and dignity.

A person in authority must never be found alone with a minor with whom no reasonable, valid and legal relationship can be established. A person in authority must also limit their presence in areas where members reasonably expect privacy.

6.8. RESPONSIBILITY OF PERSONS IN AUTHORITY

Any person in authority has the responsibility to act, to the best of their capacities, to ensure that members, swimmers and participants are never placed in a situation which would be reasonably known to put them in a situation of

6.9. HARASSMENT AND MISCONDUCT

Harassment and Misconduct is defined as a comment or conduct, directed towards an individual or a group, which is reasonably offensive, abusive, racist, sexist, degrading or malicious. Bullying can be a form of harassment. Situations of harassment and misconduct can occur at all levels: swimmer against swimmer; official against official; volunteer against official; etc. Regardless of the position that the individual may hold, a member must never engage in conduct that would be reasonably be considered as harassment or misconduct. This includes, but is not limited to, the following:

- (a) Abusive written or verbal comments or threats, which cause harm to a person's well-being;
- (b) Unwelcome remarks, jokes, innuendoes or taunts;
- (c) Leering or other suggestive or obscene gestures;
- (d) Condescending or patronizing behaviour intended to undermine a person's self-esteem, or diminish a participant's performance;
- (e) Practical jokes which would reasonably be judged to cause serious embarrassment;
- (f) Practical jokes which would reasonably be judged to endanger a person's safety;
- (g) Encouraging fighting;
- (h) Unwelcome repetitive communication or interactions with an individual;
- (i) Retaliatory or threatening action.



6.10. SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of sexual nature. Situations of sexual harassment can occur at all levels: swimmer against swimmer; official against official; volunteer against official; etc. Regardless of the position that the individual may hold, a member must never engage in conduct that would be reasonably be considered as sexual harassment. This includes, but is not limited to, the following:

- (a) Sexist jokes;
- (b) Comments with a misogynistic character;
- (c) Other derogatory gender- or sexual orientation-based jokes or comment which have the intention of demeaning
- (d) Display, possession, distribution or publication of sexual material, physically or electronically;
- (e) Sexually degrading words used to describe a person;
- (f) Sexual comments, flirtations, advances or propositions;
- (g) Persistent and repetitive unwanted touching or contact;
- (h) Proposing, pressuring, forcing or coercing an individual to engage in sexual actions, particularly if pressured by a person in authority;
- (i) Asking questions about a person's sexual preferences, sexual history, sexual organs or sexual experiences, particularly if asked by a person in authority;
- (j) Voyeurism;
- (k) Indecent exposure;
- (l) Sexual attention, with regard to remarks and comments about a person's appearance, body or clothing;
- (m) Grooming for the purpose of sexual harassment or assault;
- (n) Providing gifts in exchange for sexual favours;
- (o) Sexual behaviour;
- (p) Sexual assault.

6.11. VIOLENCE

Violence is defined as a physical action, intention or omission of actions, which physically threaten, harm, kill an individual, or makes an individual reasonably conclude that they will be physically threatened, harmed or killed. Situations of violence can occur at all levels: swimmer against swimmer; official against official; volunteer against official; etc. Regardless of the position that the individual may hold, a member must never engage in what would be reasonably be considered as violence. This includes, but limited to:

- (a) Physically fighting with other members;
- (b) Encouraging fighting;
- (c) Physical assault;
- (d) An intentional omission to complete an action for which a person is responsible, and which reasonably has the potential to harm someone;
- (e) An intentional action which reasonably has the potential to harm someone;
- (f) Knowingly putting an individual in a situation that has the potential of causing harm of death;
- (g) Pushing, kicking or spitting on a member;
- (h) Brandishing a weapon with the intention of threatening an individual;
- (i) Drowning a person with the intention of causing harm.



6.12. MALTREATMENT, ABUSE AND THE COMPROMISED SECURITY OR DEVELOPMENT OF THE MINOR

In accordance with the law, any member who witnesses, or is informed of, a situation which compromises the security or development of a minor participant must declare the incident to the *Directeur de la protection de la jeunesse* without delay.

Additionally, any minor who, at an event or activity sanctioned or organized by the Association, is victim of maltreatment, abuse, or any other form of treatment which compromises their security of development, whether alleged or confirmed, must report the situation to the NAA.

6.13. LANGUAGE

Coaches, volunteers, meet organizers and other persons in authority must, only to the best of their abilities, attempt to communicate with members in French or English, according to the preference of the member. Intentionally communicating with a member in the language with which they are unfamiliar can be considered to be a form of harassment, if it has the intent of harming, provoking or excluding a member from NAA events or activities.

6.14. CONFIDENTIALITY OF PRIVILEGED INFORMATION

Members with access to privileged information concerning individuals must adhere to confidentiality. Intentionally providing a person with the confidential information of a member can be seen as a form of harassment or misconduct, if it has the intent of harming, provoking or excluding a member from NAA events or activities.

6.15. AIDING AND ABETTING

A member must never aid or abet an individual in violating the provisions of the current Policy.

For the purposes of the current disposition, a member is considered to have aided or abetted, if the said individual neglects to correct or report to the Association and relevant governmental authorities, a situation of which they have been made aware and that is reasonably deemed to be violence, abuse, harassment or misconduct during the events and activities of the Association.

6.16. PREROGATIVE OF MEMBER POOLS, MEET MANAGEMENT, COACHES, VOLUNTEERS AND OFFICIALS

Member pools, meet management, coaches and officials may enact additional measures to ensure compliance with the current Policy.

Member pools, meet management, coaches, volunteers and officials are not deemed to have violated the current Policy, when they act within their authority to ensure overall order and the respect of the codes, policies, regulations and constitutional provisions of the Association.



7. Implementation

All members, and the NAA, are responsible for the following:

- Implementing the current Policy;
- Ensuring the overall safety of all members.

8. Enforcement

All coaches, swimmers, volunteers, officials, volunteers and parents must comply with this Policy.

Upon observing an individual who does not comply with the current Policy, a member pool must correct them. The individual is thereafter responsible for ensure future compliance with the Policy.

If repeated incidents, serious hazards that endanger the lives/wellbeing of members, or a refusal to comply, are observed, the member pool must take appropriate actions to ensure compliance. The member pool retains the authority to expel any member for serious breaches to the present Policy, or take any other appropriate action.

8.1. AUDIT AND INVESTIGATION

The NAA reserves the right to observe, audit and investigate training sessions for any matter regarding a breach of its safety standards. Any summoned party must respond to a request for information and collaborate in good faith with the investigation.

8.2. SANCTIONS

Following an investigation into the matter, the NAA must act according the applicable procedures of the Constitution.

The NAA nonetheless reserves the right to immediately act or impose sanctions when required by the situation.

8.3. REFERRAL TO AUTHORITIES

Upon being informed of a situation with relation to the current Policy, the NAA reserves the right to report a situation to local authorities, which include the police and the *Directeur de la protection de la jeunesse*.

9. Mandatory Reporting Procedure

Any member, parent, spectator, volunteer or staff member who witnesses a violation to the current Policy must advise their member pool, or the Vice-President of Competitive Swimming, without delay.

Member pools must submit a report to the Vice-President of Competitive Swimming in one of the following situations:

- A member has been removed or expelled;
- A member has been harmed, injured or killed;
- A member has seriously breached the current Policy or the law;
- A member has acted in a violent manner;
- The rights of a member were breached;
- Any other issue reasonably deemed serious enough to be reported.