

Alberta Lacrosse Association
Safe Sport
Nov. 23, 2019

LJ BARTLE

LJB@SPORTLAW.CA

@LJBARTLE23

Sport Law & Strategy Group

Sport Law & Strategy Group



Providing strategic insight to the Canadian sport community through professional services in these areas:

- **Legal Solutions, Governance,**
- **Strategic Planning, Research, and Stakeholder Engagement**
- **Safe Sport Implementation, Risk Mgmt, and Financial Mgmt**
- **Leadership Development, Human Resource Management and Integral Coaching®**
- **Communications, Marketing and Event Mgmt**

Our Team!





LJ Bartle

Areas of Expertise:

- Quality assurance,
- Safe sport implementation
- Strategic planning
- Crisis management
- Investigations
- Engaging athletes

Experience

- CBC News Journalist
- HIGH FIVE National Director
- Certified Investigator
- Sport Volunteer
- Skier, Hockey Player, Hiker
- Parent

Agenda

➤ Safe Sport

- How did we get here?

➤ Your Safe Sport Journey

- Where do you want to go?
- How do you get there?

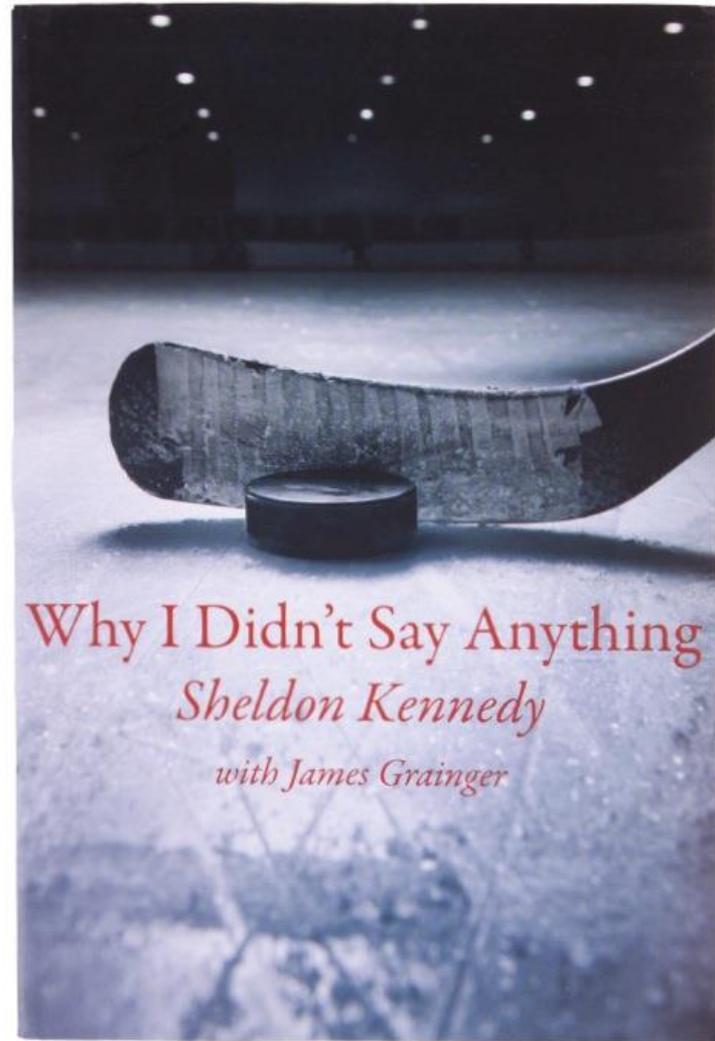
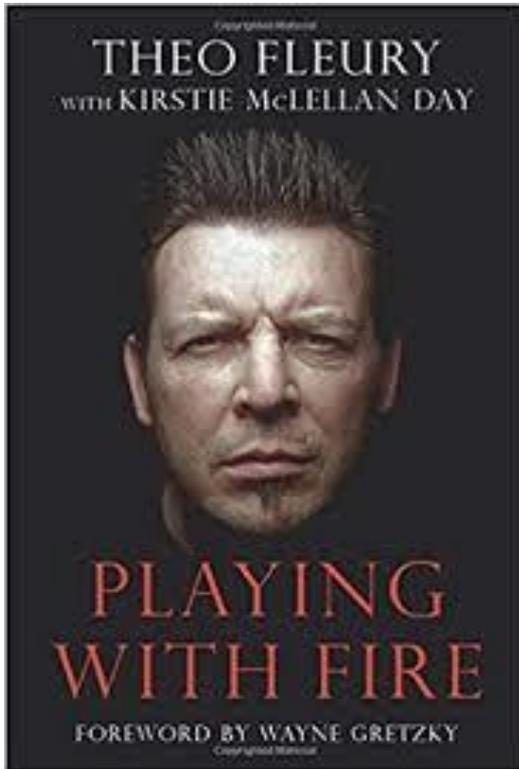
How did we get here?



Larry Nassar



This is not new!



June 19, 2018 Sport Canada Announcement

Effective immediately:

- Federally funded sport organizations must take all necessary measures to create a **workplace free from harassment, abuse or discrimination** of any kind.
- They must **immediately disclose** any incident of harassment, abuse or discrimination that could compromise the project or programming to the Minister of Sport and Persons with Disabilities.
- They must make provisions—within their governance framework—for access to an **independent third party** to address harassment and abuse cases.
- They must provide **mandatory training** on harassment and abuse to their members by April 1, 2020 and are challenged to make this a priority and put mandatory training in place as soon as possible.

Since Sport Canada Announcement

- **Red Deer Declaration**

- Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation recognize that:
 - Sport must be **free from harassment, abuse, unethical behaviour, and discrimination**, regardless of sex, gender identity or expression, ethnicity, religion, language, age, sexual orientation, ability, or any other basis.
 - **Federal, provincial, and territorial governments have a critical role** to play in ensuring and sustaining a safe, welcoming, inclusive, and respectful environment that is free from harassment, abuse, and discrimination.
- We, the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation will work together to:
 - Foster a collaborative and coordinated relationship with sport organizations, participants, and stakeholders, and engage relevant experts **to identify effective approaches to prevent and respond to incidents of harassment, abuse, and discrimination.**

Since Sport Canada Announcement

- We, the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation will work together on the following immediate actions:
 - Establishing a **standing item on safety and integrity in sport**, including harassment, abuse and discrimination, on the agenda for ministerial conference calls and meetings for the purpose of reviewing progress of actions, updating priorities, and exploring innovative approaches.
 - Implementing a **collaborative intergovernmental approach**, with better harmonized commitments, mechanisms, principles, and actions to address harassment, abuse, and discrimination in sport in the areas of awareness, policy, prevention, reporting, management, and monitoring.
 - Investigating a mechanism **to report and monitor incidents of harassment, abuse, and discrimination reported in sport environments** in order to inform future decisions and initiatives.

Since Sport Canada Announcement

- ✓ Sport Canada/Coaching Association of Canada engaged in 14 Safe Sport Summits across Canada
- ✓ AthletesCan held its own Safe Sport Summit
- ✓ They worked together on 7 consensus statements coming out of the final summit

Since Sport Canada Announcement

- **Consensus Statements:**

- Federal / Provincial / Jurisdiction: To **collaborate** with Federal, Provincial, and Territorial governments to create a harmonized approach to a **universal Code of Conduct**.
- Education and Awareness: To build on and **develop robust, approved education and training programs** to be deployed at all levels and roles in sport. And to develop awareness among Canadians that change is happening.
- Financial Resources: For **new funding to be identified** and dedicated to the implementation of safe sport initiatives in all jurisdictions.
- Harmonized Code: To **develop a single, harmonized code governing safe sport in Canada**, to include updated definitions of all forms of maltreatment.
- Independent Body: To identify **an independent body** with responsibility for implementing the harmonized and universal code.
- Prohibited Conduct: To **prohibit sexual relations between National Team coaches and National Team athletes**, with the ability to expand the scope to positions of authority. The immediate intent is to protect athletes now.
- Implementation Plan: To **conduct an audit** of the existing sport landscape and stakeholders; to establish a critical path; and to initiate a process to educate the sport community.

Rowan's Law - Ontario

- **Requirements for Sport Organizations**

Rowan's Law (Concussion Safety), 2018 makes it **mandatory for sports organizations** to:

- Ensure that athletes under 26 years of age,* parents of athletes under 18, coaches, team trainers and officials confirm every year that they have reviewed Ontario's Concussion Awareness Resources (July 2019)
- Establish a Concussion Code of Conduct that sets out rules of behaviour to support concussion prevention (July 2019)
- Establish a Removal-from-Sport and Return-to-Sport protocol (July 2020)

What else is happening?

- ✓ Some NSO's have hired a full-time employee to oversee all things Safe Sport
- ✓ Gymnastics Canada - Spotting Guidelines (Defining appropriate physical contact)
- ✓ Canada Soccer Guide (to guide clubs)
- ✓ CAC's Responsible Coaching Movement – Rule of 2, Screening, Ethics
- ✓ SDRCC launched an Investigation Unit and Hot Line
- ✓ Respect in Sport – new Activity Leader training
- ✓ True Sport – Values-Based Player and Coach Selection Process
- ✓ Sport For Life – Diversity and Inclusion Training for Volunteers
- ✓ CCES writing National Code of Conduct – NSO's reviewing

What others are doing – (Proactive)

- ✓ Updating policies around sexual, physical, emotional abuse, bullying, threats, harassment and discrimination
- ✓ Adopting Respect in Sport and Respect in the Workplace
- ✓ Aligning Policy between NSO's, PTSO's and Clubs
- ✓ Insurance Audits (abuse coverage may be excluded)
- ✓ Hired independent third party to manage matters of reported complaints, abuse, discrimination, harassment
- ✓ Educating PSO's and Clubs to ensure a consistent approach
- ✓ Working on creating a club management manual to ensure consistency and alignment with safe sport policies
- ✓ Educating their athletes and coaches on policies

Safe Sport Framework

Education

Anti-Doping & Substance Abuse

Mental & Physical Health

Equity, Diversity & Inclusion

Abuse, Harassment & Anti-Bullying

Human Resources

Prevention

Screening

Required Training

Responsible Coaches Movement

Early Intervention

Risk Management

Response

Support Services

Insurance

Conflict Resolution

Investigation

Discipline

Policy & Procedures

Safe Sport Environment

Code of Conduct

Complaints, Disciplinary Action and Dispute Resolution

Harassment

Equity, Diversity & Inclusion

Anti-Doping

Coaching

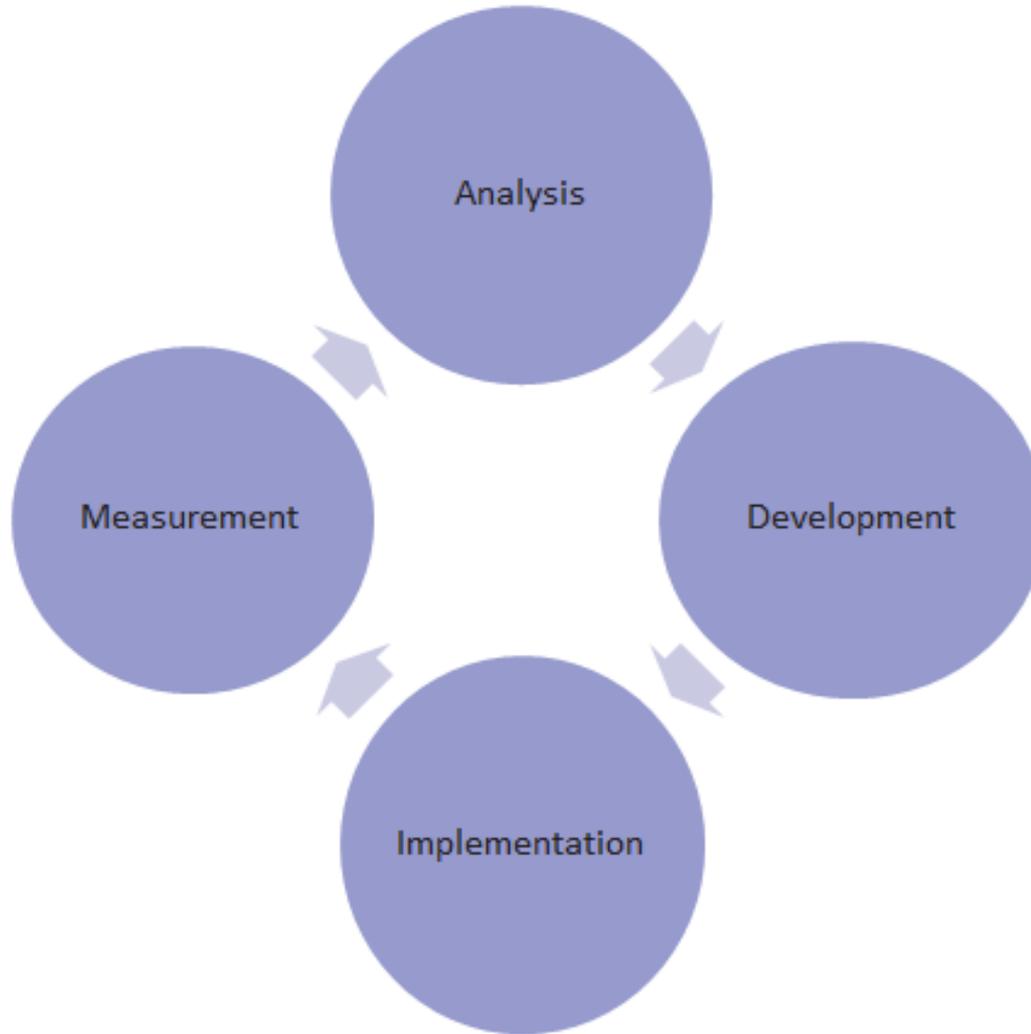
Association Insurance

Athlete Agreement

Privacy

Proactive Holistic Approach

4-Step Safe Sport Implementation Strategy



What others are doing – (Reactive) Complaint Management

- Appoint an independent third party – case manager
 - Recruit investigators, mediators and panel members
 - Upon receipt of a complaint, the case manager will screen the complaint and determine next steps
 - Reject the complaint (jurisdiction, frivolous...)
 - Propose Mediation
 - Appoint an investigator
 - Compose a decision-making panel
- Give yourself flexibility

Organizations Run Into Trouble When:

- They do not set out **policies** to deal with something
- They set out **policies** but they are incomplete, vague or contradictory
- They set out **policies** but then choose not to follow them

Policies are Your Best Friend

- They establish the rights of the organization
- They provide you with a guide for your actions
- They help you to avoid a problem or crisis
- In the event you cannot avoid a problem or a crisis, they will help you to act uniformly, consistently and fairly in how you manage your problem or crisis

What others are doing – Reactive Crisis Management



Crisis Management

- Show Leadership
- Communicate
- Be Transparent
- Build Relationships
- Be Adaptable
- Care about People

Your Safe Sport Journey

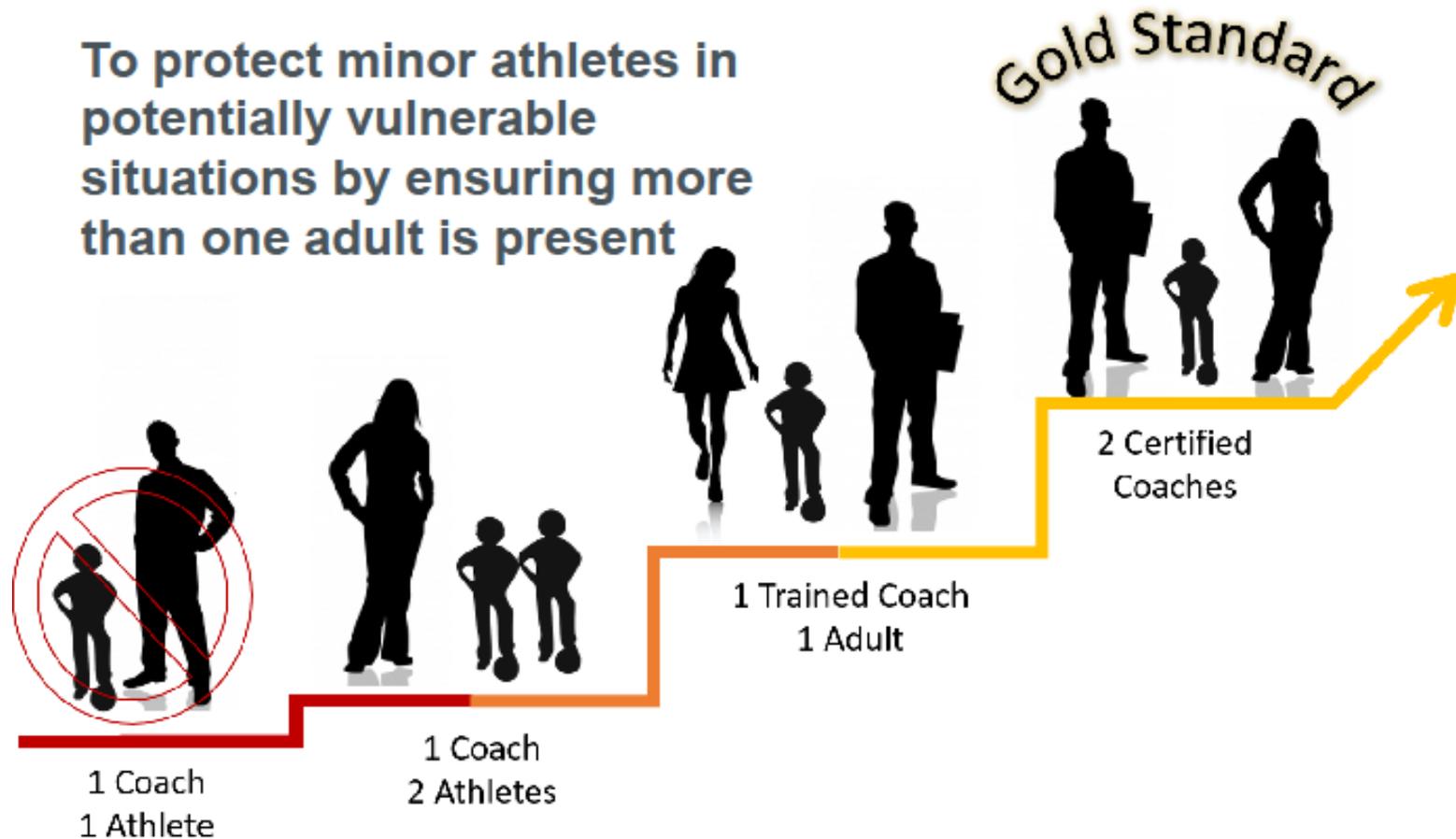


Current Safe Sport Practices

What current **practices** does your organization have in place to ensure the physical and emotional safety of its athletes?

Purpose of Rule of Two

To protect minor athletes in potentially vulnerable situations by ensuring more than one adult is present



Current Safe Sport Practices

What **evidence** does your organization have to show that what it's doing to ensure the physical and emotional safety of its athletes is working?

What's the age of consent in Canada?

- The **legal age of consent in Canada is 16 years old.**
- Individuals under **18 years old cannot consent to sex** where:
 - the other consenting party is in a **position of trust, authority or there is a dependency on that person**

The Test of Harassment

- It does not matter whether a person intended to offend someone.
- The Test – Whether they knew or should have reasonably known that their comments or conduct were unwelcome to the other person

- *“What are those things that are normalized in your sport that would never be accepted elsewhere?”*

Allison Forsyth

Former Olympian - Alpine Racing

Athlete Voice Advocate



WHERE
DO WE
WANT
TO GO?

How do we get there?



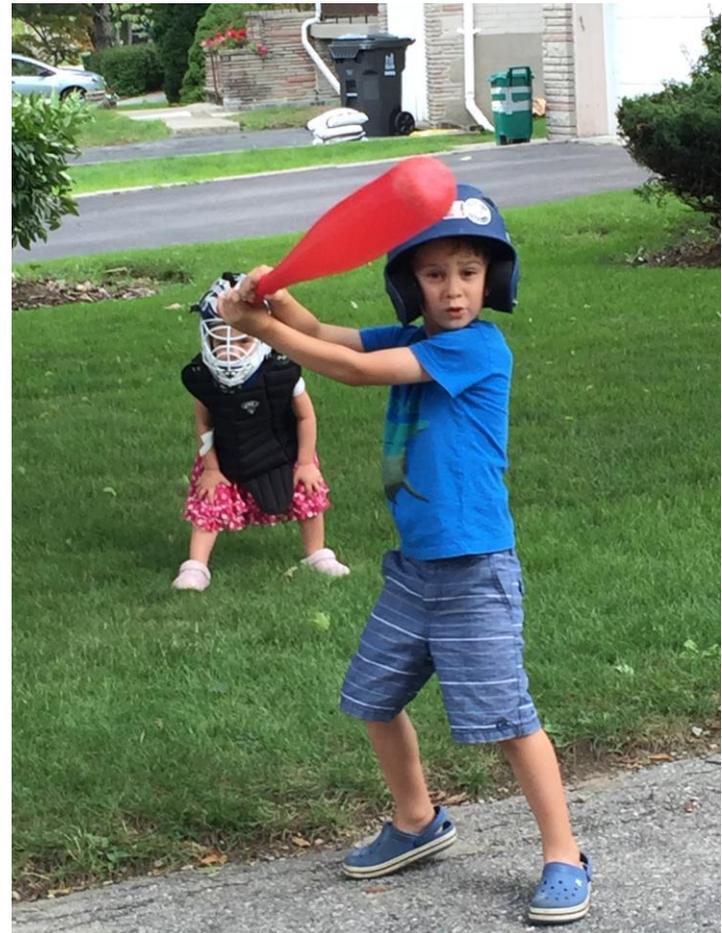
Get everyone on board

- Consensus
- Consensus
- Consensus



Menu of Options

- It's about leveraging and enhancing what you already have within your organization!
- And then implementing it with a plan



Your Safe Sport Framework may include:

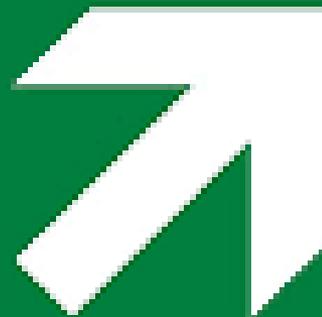
1. Policy
2. Training
3. Requirements (screening)
4. Resources
5. Communication and Engagement

Resources and Leading Practices

- [Responsible Coaching Movement](#)
- [Respect in Sport](#)
- [Canadian Centre for Child Protection](#)
- [True Sport](#)
- [Canadian Sport Hotline](#)
- [Parachute Canada](#)
- [CAAWS](#)
- [HIGH FIVE](#)
- [Sport for Life](#)
- [What Not To Yell](#)
- [Aboriginal Sport Circle](#)

Best Practices

Next
Exit



Safe Sport Policy Suite

- Athlete Protection Policy
- Code of Conduct and Ethics
- Abuse Policy
- True Sport Policy
- Investigations Policy – Discrimination, Harassment, And Abuse
- Discipline and Complaints Policy
- Dispute Resolution Policy
- Appeal Policy
- Whistleblower Policy
- Event Discipline Policy
- Social Media Policy
- Risk Management Policy

Athlete Engagement

- Ask them:
 - Do you feel safe?
 - Use anonymous or 3rd party surveys
 - Follow-up with in-person group discussions
- Involve them:
 - Create safe and welcoming environments
 - Encourage curiosity
 - Be flexible

DON'T LIKE THE REF'S CALL? **PUT YOUR SKATES ON AND TAKE THE COURSE**

Yelling at Refs from the stands is an abuse of the officials.
It is disrespectful and poor sportsmanship.
It is unacceptable adult behaviour in front of your children and other minor players.
Feedback on Referees is appropriate and encouraged through association website forms.

**THIS COMMUNITY DOES NOT
TOLERATE ABUSE OF OFFICIALS**

IF YOU TOLERATE IT; YOU ARE CONDONING IT. PLAY YOUR PART TO ENCOURAGE SPORTSMANSHIP

Thank You for Your Cooperation



Sign Sponsored by  **THE RESTORATION
NETWORK**

Implementation

- Communication!
- Communication!
- Communication!



A little reflection...



Thank you!

LJ Bartle

LJB@Sportlaw.ca

@LJBartle23

www.sportlaw.ca