



*NCCP SPEAK OUT MODULE
SUPPLEMENTAL READING*

RESPONDING TO BULLYING, HARASSMENT AND ABUSE

Differences and Similarities between Bullying, Harassment and Abuse

When considering how to respond to bullying, harassment and abuse, we first must understand the underlying differences and similarities between these categories of behavior.

| | BULLYING | HARASSMENT | ABUSE & NEGLECT |
|---------------------------------|---|---|---|
| Basis for Violence | <ul style="list-style-type: none"> • misuse of power | <ul style="list-style-type: none"> • misuse of power | <ul style="list-style-type: none"> • misuse of power |
| Types of Violence | <ul style="list-style-type: none"> • verbal • physical • relational • reactive | <ul style="list-style-type: none"> • discrimination • sexual harassment • racism | <ul style="list-style-type: none"> • emotional abuse • physical abuse • physical neglect • sexual abuse |
| Legislation and Policies | <ul style="list-style-type: none"> • Convention of the Rights of the Child • Criminal Code • Organization's policies | <ul style="list-style-type: none"> • Convention of the Rights of the Child • Canadian Human Rights legislation: federal, provincial and territorial • Criminal Code • Organization's policies | <ul style="list-style-type: none"> • Convention of the Rights of the Child • Provincial/territorial Child Protection Acts • Criminal Code • Organization's policies |
| Victims | <ul style="list-style-type: none"> • Any person, but most frequently are children and youth • Male or female | <ul style="list-style-type: none"> • Any person, male or female | <ul style="list-style-type: none"> • Any child or youth as defined by Child Protection Acts • male or female |
| Perpetrators | <ul style="list-style-type: none"> • any person, but most frequently are children or youth • male or female | <ul style="list-style-type: none"> • Any person, but in Canada only those 12 years of age and older can be charged • male or female | <ul style="list-style-type: none"> • people who are in positions of trust and authority over children and youth • male or female |
| Mandate | <ul style="list-style-type: none"> • relationship issue • justice issue if criminality has occurred | <ul style="list-style-type: none"> • rights issue • justice issue if criminality has occurred | <ul style="list-style-type: none"> • protection issue • justice issue if criminality has occurred |
| Philosophy | <ul style="list-style-type: none"> • Victim is blameless | <ul style="list-style-type: none"> • Victim is blameless | <ul style="list-style-type: none"> • Victim is blameless |

(Fairholm, J. & Ferguson, P., 2002)

Types of Disclosures

There are two types of disclosures: Verbal Disclosures and Non-verbal Disclosures. Regardless of how kids tell, either with their words or behaviour, disclosures are usually mixed with several strong emotions – relief, guilt, fear, and chaos, because now someone else knows the secret. Both types of disclosure need to be handled sensitively while following specific procedures.

VERBAL DISCLOSURES

Verbal disclosure occurs when a child/youth decides to tell someone about his/her mistreatment. The youth discloses for many reasons: to stop the bullying, harassment, abuse or neglect, to gain more freedom, to strike back at the perpetrator and to protect other children or youth from becoming victimized. Children and youth usually want the situation to change without confrontation, without outside interference and frequently, without separation from family or other loved ones.

NON-VERBAL DISCLOSURES

Behaviours can have many meanings, and are the result of numerous factors. This complicates nonverbal disclosures as observers try to make sense of what they are seeing, hearing or sensing. Sometimes the behaviours are indicative of bullying, harassment, abuse or neglect. Observers try to make sense of what they are seeing, hearing or sensing, and the secret may be discovered in a variety of ways:

- Observation by a third party
- Physical injury
- Inappropriate behaviours
- Chronic low self-esteem
- Sexually transmitted diseases or pregnancies

ANONYMOUS ALLEGATIONS

Anonymous allegations may seem to have less credibility than identifiable reports. No one wants to perpetuate rumours circulating within an organization, especially when that rumour has the potential to destroy an individual's career or reputation. While it is important to use one's own common sense in responding to the "rumour mill", it is equally important to listen to what athletes are saying, ask open-ended questions, and report when necessary. Many children have continued to suffer because no one filed an official report of alleged abuse.

Consider the following guidelines:

- In the event of a rumour of bullying, harassment or abuse, one should:
 - document what you have heard; be very specific
 - ask athletes involved in the rumour, open-ended questions
 - if the rumour persists, decide with the sport organization’s Executive when to seek guidance from the Child Protection Agency or Police
- Remember that it is not the responsibility of the person receiving the allegation or the organization to verify the truth of any such allegations: there is only need for a reasonable belief.
- Follow procedures described under Responding to Disclosures – “Non-Verbal Disclosures” as described below.
- There is no legal penalty for reporting an allegation of abuse or neglect which is made in good faith.

Handling Disclosures for Bullying, Harassment and Abuse

Studies show that the manner in which disclosure is handled, is a significant factor in determining the psychological impact. Therefore, the person responding to the disclosure needs to follow specific steps while asking three basic questions:

1. What do I need to know?
2. What do I need to do?
3. When do I need to do it?

When children or youth make a Purposeful or Verbal Disclosure, it is important to follow the **HEARD** procedure:

Hear

Honour the youth and the information

Empathize

Encourage

Affirm the youth

Acknowledge choices

Report/Refer

Respond to organizational policies

Document accurately

Determine care of self

When bullying, harassment or abuse is suspected, certain steps need to occur. The procedure for responding to Accidental or Non-Verbal Disclosure is **DARE**:

Document accurately

Affirm the information

Acknowledge and Affirm the youth

Acknowledge choices

Report/Refer

Respond to organizational policies

Establish accurate records

Execute care of self

QUESTIONING TECHNIQUES:

Ask general, open-ended questions

- Ask – “Do you want to tell me about that?”
- Do not ask – “When, why, where, how did this happen? Who did this to you?”

State observations

- Observe – “I see you have welts on your legs.”
- Do not ask – “Have you been beaten?”

Validate feelings

- Validate – “I see that you are upset.”
- Don’t analyze – “You must hate your father for doing that!”

Express concern

- Say – “I need to know that you are safe; let’s try to get you some help.”
- Don’t make promises – “Everything will be alright if you report this.”

DETERMINING BULLYING, HARASSMENT OR ABUSE

In order to determine whether a behaviour falls under organizational policy regarding bullying, harassment or abuse, ask yourself some of the following questions:

1. Is the child in need of protection from caregiver(s), another adult or other players or hockey personnel?
2. Could the behaviour that was described or witnessed negatively impact a child or youth's self-esteem or diminish his/her ability to participate?
3. Is the behaviour that was described or witnessed humiliating, offensive or degrading?
4. Is the behaviour that was described or witnessed psychologically or physically harmful or potentially psychologically or physically harmful?
5. Is the behaviour that was described or witnessed of a criminal nature (physical or sexual assault, threats, criminal harassment)?
6. Does the behaviour that was described, witnessed or suspected contradict the organization's codes of conduct or sense of fair play?
7. Does the behaviour that was described, witnessed or suspected fall under the organization's Bullying, Harassment and Abuse policies and procedures?

If you can answer "yes" to any of these questions, the complaint must be addressed under your sport governing body's Bullying, Harassment and Abuse policies and procedures.

Response to Bullying, Harassment or Abuse Complaints

| Type of Maltreatment | BULLYING | NON-CRIMINAL HARASSMENT | CRIMINAL HARASSMENT | ABUSE AND NEGLECT |
|--|---|---|--|---|
| Means of response | May be dealt with internally according to policy. | May be dealt with internally according to policy. | Must be referred externally to police according to policy. | Must be referred externally to child protection authority according to policy. |
| 1. Individual response | 1. Self-help: person tells aggressor to STOP! (Only some victims are able to do this.) | 1. Self-help: person tells aggressor to STOP! (Only some victims are able to do this.) | 1. Self-help: Person may attempt to stop the aggressor's behaviour. (Only some victims are able to do this.) | 1. Self help: Person may attempt to stop the aggressor's behaviour (Only some victims are able to do this) |
| 2. Disclosure | 2. Person discloses to someone they trust; bullying incident is witnessed; third party discloses. | 2. Person discloses to someone they trust; harassing incident is witnessed; third party discloses. | 2. Person discloses to someone they trust; harassing incident is witnessed; third party discloses. | 2. Person discloses verbally or non-verbally to someone they trust; incident is witnessed; third party discloses. |
| 3. Response to disclosure: Care and Safety | 3. Care for the complainant | 3. Care for the complainant | 3. Ensure appropriate steps are taken to remove the alleged offender and to care for the safety and well-being of the complainant. | 3. Ensure appropriate steps are taken to remove the alleged offender and to care for the safety and well-being of the complainant. |
| 4. Report or Refer | 4. Preliminary fact finding to determine course of action; respondent informed. | 4. Preliminary fact finding to determine course of action; respondent informed. | 4. Report incidence to responsible person according to policy. | 4. Report incidence to child protection authority according to policy. |
| 5. Course of Action: including low level mediation*, documentation or formal reporting and investigation | 5a. Low-level mediation*. 5b. Documentation | 5a. Low-level mediation*. 5b. Documentation | 5a. Document. 5b. Ensure report has been made to police. | 5a. Document. 5b. Child protection authority conducts investigation and protection assessment as necessary. Case may be referred to police for criminal investigation. |
| 6. Results of reporting | 6. Sanctions imposed according to policy and common sense. | 6. Sanctions imposed according to policy and common sense. | 6. Report substantiated, unsubstantiated, not true. | 6. Report substantiated, unsubstantiated, not true. |
| 7. Hearing or court proceedings | 7. Not applicable | 7. Hearing unless sanctions are agreed upon. | 7. If substantiated, restorative justice or court proceedings. | 7. If substantiated, court proceedings, child protection proceedings as necessary. |
| 8. Additional processes where required | 8. Not applicable | 8. Harassing incidents under discrimination and sexual harassment may be taken to the Human Rights Commission by complainant. | 8. Not applicable | 8. Organizational policy dictates appropriate sanctions against perpetrator. If unsure, seek direction from child protection agency or police. |
| 9. Appeals and/or Consequences | 9. Not applicable | 9. Appeal process. | 9. Not applicable | 9. Possible court sentencing, justice appeal process. |

(Fairholm 2002)

***Low-level Mediation of Minor Complaints for bullying and harassment:**

- The person in authority observing the behaviour makes it immediately clear that the behaviour is unacceptable and deals with it promptly and informally.
- The “culture” of the organization does not tolerate bullying, harassment or abuse of any kind.
- Minor instances of bullying or harassment between peers may be addressed informally through a verbal or written apology or revoking of certain privileges.

REMINDERS

How do I know when children/youth are being bullied, harassed or abused?

- by listening to them
- by believing them
- by observing them
- by watching their interactions with others
- by being aware of sudden changes in their behaviour and/or anger in them
- by questioning unexplained bruises, marks on their faces, back, thighs, upper arms, heads, buttocks, genital areas

Summary

When bullying, harassment or abuse has been reported or suspected, **it is imperative that sport organizations act in a manner which:**

- **protects the victimized child/youth**
- **protects other children/youth within the organization**
- **respects the rights of the alleged abuser or aggressor, by maintaining the appropriate confidentiality**
- **works in cooperation with the organization, parents, Child Protection Agencies or Police**
- **informs itself so that immediate action is taken.**

FALSE ALLEGATIONS OF ABUSE AND NEGLECT

Reluctance to report due to a concern about making a false allegation of abuse or neglect is certainly warranted. Individuals' careers and reputations can be irreversibly affected by false accusations of abuse. At the same time, many young people have continued to suffer for years because their disclosures have not been believed or have not produced enough evidence to substantiate their experiences. In responding to abuse and neglect of children and youth, it is important to remember:

- Often reports of alleged abuse are one of many pieces of an ongoing collection of information by Child Protection Agencies.
- The safety of both the affected youth and other youth which the organization serve must be the primary concern.
- Provinces and territories which have child abuse reporting legislation also provide immunity to those who report suspected child abuse in good faith; contrarily, many provinces and territories have laws which penalize those who fail to report allegations of abuse or neglect.
- Sport organizations should collaborate with the Child Protection Agency and Police under their direction.

GENERAL FACTS ABOUT ALLEGATIONS OF ABUSE AND NEGLECT

Allegations can be sorted into three types, which are given a variety of names:

1. Substantiated/Founded/True/Confirmed/Proved Allegations

- Sufficient evidence is produced to confirm the allegations.

2. Unsubstantiated/Unfounded/Unproven/Insufficient Information Allegations

- May be due to the inability to produce sufficient information to permit a determination of fact; a credibility issue between the parties.
- May occur when the child or youth either lacks verbal and communication skills or has communication disabilities.
- May occur if poor investigative techniques are used.
- As a result, at least 50% of cases are labeled "unfounded" or unsubstantiated" and therefore never go to court. (Yuille et al, 1995, p.22)

3. False/Fictitious/Erroneous Allegations

- Are often confused with “unfounded” or “unsubstantiated” cases.
- Are allegations that are judged not to have occurred. Such a complaint may be one of the following:
 - an allegation that is wholly untrue; one in which none of the alleged events occurred
 - an allegation which is valid except an innocent person has been accused; known as “perpetrator substitution”
 - an allegation that has a mixture of true and false features (Yuille, Tymofievich & Marxsen, 1995, p.23). 51

In order to determine the truth of an allegation, the following are considered:

- physical indicators on the child’s or youth’s body
- behaviours
- a systematic interview by a trained professional
- an analysis of the young person’s statement
- response to complaint by alleged perpetrator