



Contents

Coach and Athlete Relationships.....	1
Age of Protection (Consent) in Canada.....	2
Consent to sexual activity.....	2
Canada's age of consent.....	2
Close in age exceptions.....	2
Sexual exploitation.....	2
Sexual offences.....	2
Child sexual offences.....	3
Examples of Appropriate and Inappropriate Behavior.....	3
Examples of Appropriate Behavior (required by the NYA Code of Conduct and Ethics):.....	3
Duty to Report.....	4
Internal Reporting: Steps.....	4
External Reporting.....	5

Coach and Athlete Relationships

When taking on the responsibilities of the role of the coach you are also taking on a position of trust for the athlete. This trust is built on boundaries of professionalism inherent in the coach and athlete relationship. Once the trust is broken so are the foundations of this professional relationship. This relationship is also typified by a power balance of coach over the athlete, as they are taught at an early age to respect and listen to their coaches, as well as athletes depend on the knowledge and training provided by the coach to increase their skills and development in their sport of choice. As a result, both this power and trust can be used to violate the coach-athlete relationship and more often than not is a result of boundary

violations where adults place their needs above the needs of the child athlete in order to receive professional or personal gains at the child's expense. The responsibility of maintaining the professional relationship and appropriate boundaries always lies with the adult.

Age of Protection (Consent) in Canada¹

Consent to sexual activity

The age of consent is the age at which a young person can legally agree to sexual activity. Age of consent laws apply to all forms of sexual activity, ranging from kissing and fondling to sexual intercourse. **All sexual activity without consent is a criminal offence, regardless of age.** These are serious offences that carry serious penalties, including mandatory minimum penalties.

Canada's age of consent

The age of consent to sexual activity is **16 years**. In some cases, the age of consent is higher (for example, when there is a relationship of trust, authority or dependency). In other words, a person must be at least 16 years old to be able to legally agree to sexual activity.

Close in age exceptions

A 14 or 15 year old can consent to sexual activity as long as the partner is less than five years older and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 5 years or older than the 14 or 15 year old, any sexual activity is a criminal offence.

There is also a "close in age" exception for 12 and 13 year olds. A 12 or 13 year old can consent to sexual activity with a partner as long as the partner is **less than two years older** and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 2 years or older than the 12 or 13 year old, any sexual activity is a criminal offence.

Sexual exploitation

A 16 or 17 year old cannot consent to sexual activity if:

- their sexual partner is in position of trust or authority towards them, for example their teacher or coach
- the young person is dependent on their sexual partner, for example for care or support
- the relationship between the young person and their sexual partner is exploitative

The following factors may be taken into account when determining whether a relationship is exploitative of the young person:

¹ Government of Canada – Department of Justice
www.justice.gc.ca

- the young person's age
- the age difference between the young person and their partner
- how the relationship developed (for example, quickly, secretly, or over the internet)
- whether the partner may have controlled or influenced the young person

Sexual offences

The *Criminal Code* protects all Canadians from sexual abuse and exploitation. For example, it protects everyone, including children, against:

- sexual assault
- sexual assault with a weapon
- aggravated sexual assault
- voyeurism
- trafficking in persons
- non-consensual distribution of intimate images

Child sexual offences

The *Criminal Code* also protects children through child-specific offences including:

- sexual interference
- invitation to sexual touching
- sexual exploitation
- other child-specific sexual offences

Examples of Appropriate and Inappropriate Behavior

Examples of Appropriate Behavior (required by the NYA Code of Conduct and Ethics)²:

- Demonstrating respect to individuals regardless of body type, physical characteristics, athletic 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;
- Directing comments or criticism appropriately and avoiding public criticism of Members;
- Consistently demonstrating the spirit of fair play, sport leadership, and ethical conduct;
- Consistently treating individuals fairly and reasonably;
- Adhering to the FIFA Laws of the Game;
- Refraining from the use of power or authority in an attempt to coerce another person to engage in inappropriate

² North York Academy Code of Conduct and Ethics

activities;

- Promoting the sport in the most constructive and positive manner possible;
- Respecting the property of others and not willfully cause damage; and
- Adhering to all federal, provincial, municipal and host country laws.

Examples of Inappropriate Behavior (the NYA Code of Conduct and Ethics)³:

- Written or verbal abuse, threats, or outbursts;
- The display of visual material which is offensive or which a reasonable person ought to know is offensive in the circumstances;
- Unwelcome remarks, jokes, comments, innuendo, or taunts;
- Leering or other suggestive or obscene gestures;
- Bullying;
- Offensive or intimidating phone calls, texts, voice mails or emails;
- Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- Psychological abuse;
- Discrimination;
- Verbal threats to attack;
- Sending or leaving threatening notes, texts, voice mail or emails;
- Wielding a weapon;
- Hitting, pinching or unwanted touching which is not accidental or deemed to be generally accepted as a part of sport participation;
- Sexist jokes;
- Sexual violence;
- Display of sexually offensive material;
- Sexually degrading words used to describe a person;
- Inquiries or comments about a person's sex life;
- Unwelcome sexual flirtations, advances, requests, invitations or propositions;
- Inappropriate sexual touching, advances, suggestions or requests;
- Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing; and
- Physical or sexual assault.

Duty to Report

³ North York Academy Code of Conduct and Ethics

Internal Reporting: Steps⁴

1. A child discloses information or information is discovered indicating that a coach/volunteer may have acted inappropriately
2. Coach/Staff Member/Parent who receives the report notifies NYA by submitting the Inappropriate Behavior report form (can be found on the club's website www.northyorkkfc.com in the "Policies and Forms" section) to Jen Penacho at jen@northyorkkfc.com
3. The NYA Head (e.g. Director, Owner, Executive Director, General Manager) reviews and assesses the report
4. If warranted, meet with accused coach/volunteer/staff member to discuss allegations and concerns. The individual is told about the complaint without disclosing the source. The individual is asked to respond to the allegation.
5. If the head of the organization determines that the nature of the conduct is not sufficiently serious to warrant formal action, the organization may choose to clarify expectations with the coach/volunteer as outlined in the Code of Conduct to Protect Children.
6. If the NYA Head determines that the nature of the conduct is sufficiently serious to warrant action, an internal follow-up takes place:
 - a. Inappropriate conduct is not substantiated
 - i. Follow internal policies. No further action necessary but organization may choose to take the opportunity to remind all coaches/volunteers of the NYA Code of Conduct to Protect Children.
 - b. Inappropriate conduct is substantiated
 - i. Next steps will depend on severity of the conduct, the nature of the information gathered during internal follow-up, and other relevant circumstances (such as past inappropriate conduct of a similar nature). Varying levels of disciplinary action may be appropriate. For example, it may be prudent for an organization to report concerns to child welfare or law enforcement.
 - c. Inconclusive
 - i. Next steps will need to be carefully considered and depend on the nature of the information gathered during the internal follow-up. Work through options, assess risk and consult professionals as needed.
7. Adequately supervise and monitor coach/volunteer, consistent with internal policies. (NYA Code of Conduct and Ethics)

However, if you have reasonable grounds to suspect that a child is or may be in need of protection, you must report those concerns to a child welfare agency using the guidelines specified in the "External Reporting" section below, as well as to North York Academy by submitting a report to info@northyorkkfc.com

⁴ Commit 2 Kids – Inappropriate Conduct: Steps for Reporting

External Reporting⁵

Section 72.1 of the Child and Family Services Act requires anyone who has reasonable grounds to suspect that a child is or may be in need of protection to report those concerns to a child welfare agency. People are obligated to report to child welfare if they feel a child:

- Has been physically harmed or sexually molested by a parent or someone else in charge of the child
- Is at risk of physical or sexual harm
- Demonstrates extreme anxiety that appears to be due to parental neglect

These include:

- Direct witnessing of abuse (physical, sexual, emotional)
- Overhearing the abuse
- Seeing the aftermath of the abuse (physical injuries, emotional impact)
- Living in a threatening environment for a long period of time

Sexual abuse must be reported. Sexual abuse occurs when a child is used for the sexual gratification of an adult or an older child. The child may co-operate because he or she wants to please the adult or out of fear. It includes sexual intercourse, exposing a child's private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos, or engage in prostitution.

If you see or have reason to believe a child is in need of protection or is at risk of harm, make the call to your local Children's Aid Society. There is someone available to receive your call 24 hours a day, 365 days a year. Contact information can be found below.

Children's Aid Society of Toronto / La société de l'aide à l'enfance de Toronto	416-924-4646	Etobicoke, North York, Scarborough, Toronto
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⁵ Ontario Association of Children's Aid Societies
<http://www.oacas.org>