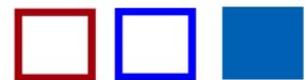




Reference Manual

RECOGNIZING and DEALING with
HARASSMENT and ABUSE





An Official Publication of:

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PREFACE

This training module shall apply to all members of the NL Cadet Program, Cadet Instructors and volunteers of our youth program. The primary purpose of this training module is to educate those members responsible for administering the Navy League Cadet Program.

Much of the CHARM (Ontario Division) and the RESPECT ED (Red Cross Program) was incorporated into the 2006 version. Major changes were made to accommodate the newest federal regulations and to align terminology with the present cadet programme. It is the opinion of this Committee that the rules should be taught with an emphasis on common sense and mutual respect.

Any suggested amendments to this Reference Manual are to be forwarded to the National Office – The Navy League of Canada, 66 Lisgar Street, Ottawa, ON K2P 0C1.

This publication is produced under the authority of the National Board of Directors of The Navy League of Canada.

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DEFINITIONS

Child – the age of a child is defined in the child protection legislation from each province/territory. See Annex C for your Provincial/Territorial Legislation

Harassment – is any improper conduct by an individual that is directed at and offensive to another person or person and which the individual knew or ought reasonably to have known would cause offence or harm.

Harassment Complaint – is a verbal or written statement submitted to any responsible person (RO) or other person in authority that makes a specific allegation, or allegations of harassment.

Alternative Dispute Resolution (ADR) – is the term used to describe dispute resolution mechanisms and techniques that do not involve a traditional investigative approach. It refers to activities such as self help, supervisor intervention, facilitation, mediation, etc.

Child Abuse – means any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage.

Harassment Counsellors – In essence, they are appointed by the Commanding Officers to provide information and advice to the Commanding Officer concerning harassment policies and procedures. In addition, they are also responsible for the providing the training to all Officers, Cadet Instructors and Volunteers.

Revelation – occurs when an individual (child, witness or third party) communicates, verbally or non-verbally, that an incident of harassment or abuse may have occurred.

Young Offenders Act – defines a young person, with regard to the Criminal Code of Canada, as someone who is or, in the absence of evidence to the contrary, appears to be twelve years of age or more and under eighteen years of age.

Complainant – is the individual who submits a harassment complaint.

Respondent – is the individual whom a harassment complaint has been filed.

Abuse – the behaviours of abuse and harassment are often similar; the difference is who the victim and offender are (eg. power/authority and age difference), and how we respond and report the incident.

Safety Plan – refers to a plan to help victims protect themselves in the event of a future occurrence. The Commanding Officer is responsible to ensure that a safety plan is in place in cases of harassment.

Child Protection Agency - refers to a Child Protection Agency and is a generic term that includes the child protection services/agencies of all provinces / territories.

HARASSMENT POLICY

The Navy League of Canada is committed to providing a learning and working environment for all persons that is free from harassment.

The Navy League of Canada requires employees, officers, cadets, parents, volunteers and all other visitors to conduct themselves in a manner, which promotes and protects the best interests and well being of cadets, staff and volunteers.

An employee, volunteer or cadet who subjects a cadet, staff member, parent, volunteer or other member of the public to **discrimination or harassment in any form** may be subject to disciplinary action as is deemed to be appropriate, including dismissal from employment or expulsion from the Navy League of Canada.

The Navy League of Canada may take appropriate action against others whose conduct has resulted in harassment of Navy League of Canada cadets, employees or volunteers.

Depending upon the circumstances, incidents involving individuals **associated with or through** the Navy League may be considered harassment even if they occur outside of Navy League activities.

FORMS OF HARASSMENT

Personal Harassment – Any unwelcome behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes but not limited to actions, comments or displays involving any of the following:

- comments, jokes or slurs related to a person's body, attire, age, national or ethnic origin, religion, gender, sexual orientation, disability
- written or verbal abuse or threats
- derogatory or demeaning posters, pictures, cartoons, graffiti or drawings
- innuendoes, ostracizing, taunting or intimidating
- vandalism of personal property
- practical jokes which result in embarrassment or insult
- abuse of authority which undermines performance or threatens career

Discrimination – In general terms, it is an act or unfair treatment of a person or group based on prejudice. The following list is not exhaustive, however according to federal law a person or persons may not be discriminated based on the following:

• Race	• National or ethnic origin	• Colour
• Religion	• Age	• Sex (including pregnancy and children)
• Marital status	• Family status	• Pardoned conviction
• Physical or Mental disability (including drug and alcohol dependence)	• Sexual orientation	

Sexual Harassment – is any unwelcome conduct, gestures or invitations of a sexual nature that are likely to cause offence or humiliation. Sexual harassment can include but not limited to the following:

- unwanted physical contacts such as touching, patting, pinching, hugging
- unwelcome sexual remarks, invitations or requests (including persistent unwanted contact after the end of a consensual relationship)
- derogatory or degrading remarks directed towards members of one sex or sexual orientation
- unwelcome inquiries or comments about a person's sex life
- leering, whistling, innuendoes, jokes or other behaviours or gestures of a sexual nature
- display of pornographic, sexist, racist or other offensive or derogatory material
- verbal abuse or threats of a sexual nature
- physical or sexual assault

GUIDELINES for AVOIDING HARASSING BEHAVIOURS

- behave in a manner that makes everyone feel safe, respected and liked
- remember that it is not the impact of your actions and not the intent that counts
- If the other person's words or body language is saying, "this is not welcome behaviour," then STOP.

HARASSMENT EXERCISE

This exercise begins with everyone sitting down. Ask the officers to stand up when a statement applies to them. Once the member has stood up they should remain standing and raise a hand for each subsequent statement that also applies. At the end of the exercise most of the participants will likely be standing which is an indication of how widespread the experience of harassment is.

Please stand up if:

1. You've ever seen a particular racial group portrayed negatively on TV or in the movies.
2. You've ever been told or heard someone being told "don't be a cry baby!"
3. You've heard someone say that females shouldn't be piloting planes, working on ships or fighting in battles.
4. You have ever heard someone speaking negatively of another race or telling a racial joke in your presence.
5. You have heard sexual comments about someone's body.
6. You, or some other young person you know, has been shopping in a store and been treated with suspicion.
7. You have observed or heard negative comments about disabled people.
8. You know or have heard about, a first nations youth that has experienced discrimination because of his/her culture.
9. You have observed/heard a youth being called names because of his/her alleged homosexuality.

FORMS OF ABUSE

Harassment versus Abuse – the following chart is a good reference to differentiate between the two terms.

	Actions by an adult	→	against another adult (Harassment)	
	Actions by a cadet	→	against another cadet (Harassment)	
	Actions by an adult, older youth or youth in a position of authority	→	against a cadet or youth (minor) (Abuse)	

Emotional Abuse – In general terms, it is a chronic attack of child's/youth's self esteem. Some examples of emotional abuse:

- Name calling
- Threatening
- Ridiculing
- Berating
- Intimidating
- Isolating
- Hazing
- Ignoring a child's/youth's needs

Chronic – it is not acceptable to yell or scream at children; however, for it to be considered emotional abuse, it has to be repetitive behaviour over a significant period of time.

Physical Abuse – occurs when a person in a position of power or trust injures or threatens to injure a child or youth and includes: hitting, slapping, punching, pushing, kicking, hair pulling, burning, shaking, asphyxia, biting and restraining. It also includes the excessive use of exercise as a form of punishment; forcing a child to exercise until he/she becomes sick or passes out from exhaustion. Physical abuse includes hazing, abandonment, homicide and assault, assault with a weapon or causing bodily harm, and correction of a child by force.

Neglect – is chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diet, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air.

Sexual Abuse –occurs when a young or less powerful person is used by an older or more powerful child, adolescent or adult for sexual gratification. There are two categories: non-contact and contact.

a. *Non-contact*: flashing or exposing sexual body parts to a child; watching intrusively as a child changes or showers; speaking/communicating seductively with a child; showing pornographic films, magazines or photographs to children; having young people participate in the creation of pornographic materials; forcing a young person to watch a sexual act performed by others; objectifying ridiculing a child's sexual body parts; and

b. *Contact*: kissing or holding a child in a sexual manner; touching sexual body parts or forcing a child to touch another person's sexual body parts; oral sex; penetrating a child orally or vaginally with objects or fingers; having vaginal or anal intercourse with a child.

Failing to intervene will result in administrative or disciplinary action will be carried out against anyone who was aware of a situation of harassment/child abuse but who **willfully or negligently** failed to take appropriate action.

Many minor incidents between cadets will be considered non-criminal harassment and should be resolved, if possible, informally and at the lowest possible level.

Retaliation against any individual for reporting harassment/abuse will not be tolerated. A member who engages in such retaliation will be faced with administrative or disciplinary action. It is the responsibility of all persons involved in the processing of a complaint to ensure that a complainant does not suffer any prejudice as a result of making a complaint. Similarly, the rights of the respondent must also be respected.

REPORTING PROCEDURES OF REVELATIONS

A revelation occurs when an individual (child, witness or third party) communicates, verbally or non-verbally, that an incident of harassment or abuse may have occurred.

When receiving information involving a revelation:

- a. **DO NOT** promise to keep secrets
- b. **DO NOT** attempt to counsel the alleged victim
- c. **DO NOT** question the alleged offender
- d. **DO** document your observations and actions.

One must always quickly assess the incident/disclosure and determine the nature of the offensive behaviour (harassment or child abuse). The age of alleged victim is vital in determining whether abuse has occurred.

Once an incident is reported, the role of the member receiving the complaint is to serve in a neutral, unbiased capacity in receiving the information. In cases of harassment non-criminal, the member may assist in an informal resolution of the complaint and seek advice from the Harassment Advisor.

If the member considers that he or she is unable to act in this capacity, the complaint will be referred to another member who is able and willing to assist.

SUSPECTED ABUSE

If a member has concerns regarding abuse of a cadet, they should gather more information by:

- a. observing cadet interactions and looking for patterns
- b. documenting changes in behaviour
- c. reporting when he/she believes that the cadet is in need of protection.

DEALING WITH DISCLOSURES

Based on a decision made at disclosure, the member will report according to whether the incident is harassment or abuse.

HARASSMENT

The person **who believes** that harassment has occurred must report the matter to a Harassment Advisor/CO or person in authority. Normally, a complaint will be submitted within a year of the last incident on which the complaint is based or within such longer period as the CO considers appropriate under the circumstances. Incidents of harassment or abuse that are deemed to be criminal offences are not subject to this one-year limitation.

The Harassment Advisor will inform their CO and complete the incident report at *Annex A*. The CO will ensure that a safety plan is in place for the alleged victim/complainant.

In incidents of non-criminal harassment, it is preferable that situations be resolved at the lowest possible level, beginning with self-help, mediation and, if all other avenues are exhausted, formal complaint procedures.

Parental Notification: In incidents of harassment involving cadets, the Commanding shall inform the parents of the cadet involved.

CHILD ABUSE

The person who believes that child abuse has occurred *must report the matter to the local CPA* and ensure that the Harassment Advisor/CO is informed. The CPA will determine with police assistance if the incident being reported constitutes a criminal act or not.

The CO will inform the Branch President that a report has been made to the CPA. The Harassment Advisor and the CO will ensure that the incident report at ***Annex E*** is completed.

The CO will take appropriate steps to separate the alleged offender from the victim and to protect the victim pending the intervention from the CPA. The CO will also ask the CPA what safety plan will be established with the victim and what the Cadet Unit will have to play, if any.

If the incident is determined to be a criminal incident of abuse, the CPA will contact the civilian police and the case will be handled by the criminal justice system.

Parental Notification: In cases of child abuse the responsibility to inform parents/guardians rests with the CPA.

DOCUMENTATION

Because of the sensitivity of information involved in cases of harassment and child abuse, all paperwork shall be secured in an appropriately secured filing cabinet with limited accessibility.

Access to complaint files may be obtained in accordance with the provisions of *The Navy League of Canada's Privacy Policy*.

COMPLAINT PROCEDURES

Individuals who believe they have been the subject of personal and/or sexual harassment by an employee, officer or volunteer of the Navy League should make their objection known clearly to the offender and/or the person in authority. Suggested people with authority are Commanding Officer, Branch President, Division President or other member of National Board of Directors. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.

a. Informal Complaint Procedures

The following suggestions are intended for persons who believe they have been harassed or who have witnessed harassment and wish to attempt to resolve the problem themselves.

- Tell the person that the behaviour is unwelcome and against the policy of the Navy League (remain calm and professional, be direct and candid).
- Keep a record of incidents: describe the nature of the event(s), dates, times, possible witnesses and your response.
- Ask a person in authority to assist you in communicating your concerns about the harassment to the person involved in order to resolve the situation at an early stage in an informal manner.

b. Formal Complaint Procedures

The formal process of complaint may be pursued in the event that the informal process does not resolve the situation or that either party believes the formal process to be more appropriate.

- A written or verbal complaint should be addressed to a person in authority as suggested above.
- This policy does not affect an individual's right to file a complaint or to respond to a complaint with the Human Rights Commission or, if circumstances warrant, the police, to file a charge of assault.
- Concerns or complaints as a result of this policy shall be held in strict confidence between the complainant, respondent and other such individuals as may be involved in the resolution of the complaint.
- An investigation will be undertaken immediately and all necessary steps taken to obtain all of the information required to ultimately resolve the matters such as questioning the parties concerned, reviewing documentation and interviewing witnesses.
- ***Information/investigation files for these issues will be kept at National Office as a confidential file per the Canadian Privacy Act. These files will be separate from the Record of Service for the employee, officer or volunteer of the Navy League.***
- Information/investigation files involving allegations against a cadet shall be kept separate from that cadet's official cadet file.

c. Investigation

The investigator(s), *appointed by the Division Executive*, shall commence the investigation as soon as possible but within a maximum of *twenty-one days*. The following are recommended steps in the investigation process:

- *The CO or supervisor must immediately assess if the parties need to be separated until the investigation is completed.*
- *Any incident where a cadet has been allegedly abused must be reported immediately to the police or proper Provincial authority as well as National Office before the investigation is initiated.*
- The investigator(s) shall review all policies, procedures and pertinent information
- The investigator(s) will require a written account of the alleged behaviour including a thorough description of the event(s) with any supporting material such as record of facts, times, dates, nature, witnesses or physical evidence. The complainant must be prepared to share the nature and details of the complaint with the investigator(s).
- The complainant and the alleged harasser will both be interviewed, as will any individuals who may supply relevant information.
 - Persons named in the complaint have the right to reply to the allegations against them and the right to be accompanied by a representative of their choice in any meeting with the investigator(s).
 - Persons not named in the complaint who may have some personal knowledge about the incident(s) will also be interviewed. A representative of their choice may also accompany these witnesses.
- The investigation should be completed and subsequent reports prepared within 30 working days. From the day after the registering of a formal harassment complaint.

d. Findings and Recommendations

Once the investigation is complete, the investigator(s) will:

- Prepare a written report summarizing what facts are agreed upon and what facts the parties contest.
- Document all steps taken from the initiation of the complaint to its resolution (if there is one)
- Determine whether or not harassment occurred. If the investigation fails to find evidence to support the complaint, no further action will be taken and the case will be closed and filed confidentially at National Office.
- The complainant and those named in the complaint have the right to review and comment on the investigator's findings and recommendations.
- If the investigation reveals evidence to support the complaint of harassment, the Divisional Executive Committee will review the report of the investigation. They will decide the appropriate disciplinary action to be taken in consultation with those involved. This action may include a verbal or written warning, suspension or termination of employment or membership in the League.
- There will be no retaliation against the complainant for reporting personal or sexual harassment.
- Complaints made in a malicious or vindictive manner shall result in disciplinary action, dismissal or legal action as may be appropriate in each circumstance.

APPEAL MECHANISMS (NON-CRIMINAL)

Following a decision resulting from a formal complaint, and the complainant and/or respondent are not satisfied, either may appeal the decision to a committee established by the *National Executive Committee*.

Permissible grounds for an appeal are:

- a. the procedures laid out in this policy were not followed;
- b. the investigator(s) or CO, Branch President were influenced by bias; or
- c. the decision reached could not be supported by the evidence, or was grossly unfair or unreasonable.

Committee members must not have been involved in the investigation process or in any decisions of the sanctioning authority. Otherwise they will be considered to be in a conflict of interest and must remove themselves from the Appeal Committee.

A notice of appeal including grounds for the appeal must be provided to the National Office within *twenty-one days* of the complainant, or respondent receiving the decision resulting from a formal investigation.

Normally, an Appeal Committee will be formed within twenty-one days of receipt of the notice of appeal.

The National Executive Committee will form a committee of three members for the purpose of determining if the initial decision is appropriate.

The Appeal Committee will base its decision on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the report of the official record, the report of the investigator and/or the report of the responsible authorities and the notice of appeal.

In making a decision, the Appeal Committee will have the authority to uphold the decision, to reverse the original decision, and/or to modify any of the recommendations for disciplinary action or remedial measures.

The decision of the Appeal Committee will be final and binding, and not open to any further redress within internal Navy League channels.

CONFLICT RESOLUTION

In order to assist members in resolving problems of **harassment** at the lowest level, the following methods of conflict resolution may be used:

SELF HELP

A person who experiences harassment, any person who witnesses harassment, or any person that believes harassment has occurred is encouraged, but not required, to make it known to the offender that the behaviour is unwelcome, offensive and contrary to this policy and that the objectionable behaviour must cease immediately. This may be done directly, either in person or in writing, or through the assistance of a third party.

Upon being notified by the complainant, or witness, or third party, the alleged harasser has a responsibility to cease the objectionable conduct immediately and should apologize to the complainant.

If the conduct does not stop, or if the member does not choose to use the self-help method, the member may notify his or her superior in the chain of command, or the next superior in the chain of command or the Harassment Advisor, if the immediate superior is the alleged harasser.

MEDIATION

The mediation process is normally used involving incidents of harassment.

Where a complainant requests that a complaint be resolved through mediation, the CO, who may request advice from the Harassment Advisor or a higher authority, will determine whether the situation should be resolved using this method and if so, will attempt to mediate a resolution that is satisfactory to both the complainant and the alleged harasser/abuser. The CO may also request mediation assistance from the Harassment Advisor or higher authority.

This process is a very low-level mediation that every officer has done in the course of his or her career. However, if the CO, Harassment Advisor or any other party are uncomfortable with the intensity of the situation they should not attempt mediation. Not every incident can be resolved through mediation. The CO, Harassment Advisor or Members of the League are not to be considered professional mediators.

Once a member assists in the mediation of a non-criminal incident, he or she is no longer permitted to act as an investigator in a formal complaint in the same case since it would constitute a conflict of interest.

Normally, mediation should commence no later than thirty days after the incident report. The mediation process:

- a. requires at least a minimum knowledge of the mediation process and techniques;
- b. has an approach based on determining interests and is centered on constructing mutually acceptable outcomes; and

c. is a third-party neutral process which involves:

- the complainant;
- the respondent; and
- the mediator(s).

Mediation is a confidential voluntary process with the mediator acting as process manager. The mediator has no decision making power. Their primary function is to keep the lines of communication open, help parties express issues and identify interests and to assist the parties in constructing mutually acceptable agreements.

REFERENCES

Can be added as required.

ANNEX A - HARASSMENT/ABUSE COMPLAINT FORM

SECTION A – Complainant

Rank	Surname	Given Name and Initials	Unit

SECTION B – Details of Complaint

(1) Name, Rank and unit of person against who the complaint is being made.

(2) Alleged behaviour to include the detailed the description of the comment, gesture, display, physical contact or other conduct believed to constitute harassment. Include information as to date, time and location.

(3) Name, rank and unit of witnesses to the incident.

(4) Complainant's perception.

Date

Signature of Complainant

ANNEX B – SIGNS AND SYMPTOMS OF ABUSE

Child Abuse Hotline	1-800-387-KIDS
Bullying Help Line	1-888-456-2323
Child Disability Resource Link	1-866-346-4661
Kids Help Phone	1-800-668-6868
Parent Information Line	1-866-714-KIDS (5437)

British Columbia	Victoria: (250) 387-6121 Vancouver: (604) 660-2421
Alberta	http://www.child.alberta.ca/home/local_offices.cfm
Saskatchewan	(306)787-3835 www.stopstoviolence.com
Manitoba	Child and Family Services Division 216 - 114 Garry Street Winnipeg MB R3C 4V4 Phone: (204) 945-6964 Email: cfsd@gov.mb.ca
Ontario	Ontario Association of Children's Aid Societies 75 Front Street East, 2nd floor Toronto, Ontario Canada M5E 1V9 (416) 987-7725 fax (416) 366-8317
Quebec	
New Brunswick	(888) 99-ABUSE or (888) 992-2873 http://app.infoaa.7700.gnb.ca/gnb/Pub/EServices/ListServiceDetails.asp?ServiceID1=9355&ReportType1=All
Nova Scotia	(877) 424-1177 http://www.1-877-424-1177gov.ns.ca/coms/departement/contact/Agencies.html
Prince Edward Island	PEI Child Protection Bureau Charlottetown, PE (902) 368-5330 or (800) 341-6868
Newfoundland and Labrador	Department of Health and Community Services Confederation Building, 1 st Floor West Block PO Box 8700 St. John's NL A1B 4J6

SIGNS AND SYMPTOMS:

- Bruises - Buttocks, lower back, upper thighs, inner thighs, genitals, cheek, ear lobe (babies upper lip area from feeding problems), and neck (choke marks, punches).
- Head Injuries
- Abdominal Injuries
- Blows to the back
- Burns
- Broken Limbs

COMMON BEHAVIORAL CHARACTERISTICS

- Delay in seeking medical attention
- Overly compliant
- Withdrawal
- Very nervous when someone touches them
- Fear of adults
- Very aggressive

INDICATORS OF CHILD SEXUAL ABUSE

- Frequently crying with little or no apparent provocation
- Dramatic change in behaviour
- Inability to concentrate
- Sudden drop in academic performance
- Aggressive, destructive, hostile, disruptive behaviour
- Learning disabilities
- Non-participation in activities
- Chronic depression and/or anxiety.
- Excessive fear of males/females being touched, going home
- Indication of age—inappropriate sexual knowledge (reflected in drawings, verbal statements, play with peers
- Hints about sexual activity
- Poor self—image
- Evidence of poor overall care
- Self—destructive behaviour such as alcohol abuse
- Suicide threats or attempts
- Running away from home
- Nightmares and sleep disturbances