



**A GUIDE TO  
IMPLEMENTING A  
PREVENTION AND  
INTERVENTION  
POLICY ON  
VIOLENCE AND  
SEXUAL ABUSE**

**PRACTISING  
SPORTS AND RECREATIONAL ACTIVITIES  
IN COMPLETE SECURITY**

**Québec** 

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# A GUIDE TO IMPLEMENTING A PREVENTION AND INTERVENTION POLICY ON VIOLENCE AND SEXUAL ABUSE

*An initiative of :*

**Agence  
de développement  
de réseaux locaux  
de services de santé  
et de services sociaux**



*In collaboration with :*

**Secrétariat  
au loisir et au sport**

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**Agence  
de développement  
de réseaux locaux  
de services de santé  
et de services sociaux**



## *Message from the Director*

The concern of the Direction de santé publique en Montérégie (Montérégie Public Health Directorate) for preventing violence in young people's living environments is shared by many organizations in the associative community and in educational, municipal and government circles.

The *Guide to Implementing a Prevention and Intervention Policy on Violence and Sexual Abuse* has therefore been developed in close cooperation with the organizations directly involved with youths. The Direction de santé publique (Public Health Directorate) (DSP) intends to encourage the dissemination and implementation of this policy in conjunction with them.

A major factor in protecting minors against violence and sexual abuse is the vigilance the adults around them exert in ensuring their safety and security. This guide has been developed for the sports and recreation communities because of the large number of children involved and the many adult volunteers concerned about children's growth and development who work in these fields.

In this perspective, the implementation of such a policy is an excellent prevention initiative intended for organizations concerned with the well-being and personal growth of children. Through the cooperation of the Secrétariat au loisir et au sport (Recreational and Sports Secretariat), this guide will be made available to sports and recreation organizations throughout Quebec.

Luc Boileau, M.D., FRCPC

Director

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# *Foreword*

Sports and recreational activities provide an ideal environment for youths to learn and develop respect and a spirit of healthy competition and solidarity. In this context, group settings and achievement are based on friendship and sharing.

Children, regardless of their age, depend a great deal on adults for their physical, psychological, social, spiritual and emotional development. Sports and recreational activity leaders therefore have an important role to play. Because of the image they project and their position of authority, they very often become role models, heroes, even idols for children, occupying a special place in their lives. Unfortunately, some people take advantage of their position of authority and their influence over children, as well as of the circumstances, to mistreat children, abuse them and satisfy their own needs without regard for the children's well-being.

Besides having adverse consequences on the children, some behaviour can be detrimental to the sports and recreational ideal and tarnish the image of the organizations, the volunteers and the paid staff who dedicate themselves selflessly to the well-being of youths.

For youths to engage in sports and recreational activities in complete security, it is therefore important for everyone to combine their efforts and cooperate to raise the awareness of those who work with our children and to prevent unacceptable behaviour in sports and recreational settings. We must fight against violence and sexual abuse.

***Preventing violence and sexual abuse means promoting healthy relationships, not only between youths and adults, but also among peers.***

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# *Introduction*

This guide proposes a series of measures to municipal, educational and associative communities and a tool kit to assist in implementing a prevention and intervention policy on violence and sexual abuse. It also contains various awareness and information documents on the subject.

Since each community has different needs, some tools can be adapted to suit specific realities. This means making them as useful as possible, both for volunteers and for paid staff.

This guide will enable the various volunteers or paid staff involved in youth organizations to set up a safety net. Each will therefore become an active partner in the fight against violence and sexual abuse. The adoption of a policy is not intended to raise distrust. On the contrary, respectful and warm physical contact between adults and youths can be part of a healthy relationship and are encouraged.

Authorities of sports and recreation organizations have a moral and legal responsibility to protect youths involved in these organizations. They could be brought before the courts for failing to do so.

In this document, for reasons of clarity and depending on the context, the terms « young people », « youths », « children » and « minors » all refer to children under 18 years of age.

We have chosen to use the term « sexual abuse » to designate any moral, physical or psychological transgression of a sexual nature that endangers a person's security or integrity. Other organizations may use similar terms, such as sexual assault, sexual violence or others. However, everyone agrees that this is the same problem.

**It is agreed that the masculine gender will be used throughout this guide and that it equally designates the feminine gender.**

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# *Presentation*

Various organizations have realized the importance of implementing prevention and intervention policies on harassment, sexual abuse or violence. In 1994, the Direction des sports (Sports Branch) of the ministère des Affaires municipales (Ministry of Municipal Affairs) published a prevention and intervention guide for sports administrators on sexual abuse in amateur sports. In drafting this document, the Editorial Committee, facilitated by the Public Health Directorate of the Montérégie Health and Social Services Development Agency, was largely inspired by their work. Other references on the subject were consulted, in particular, the various laws concerning these fields.

The objective was not to innovate on all points but to assemble the information available, adapt it and make it accessible to organizations.

**Chapter I** defines the terms used in this document for various forms of violence.

**Chapter II** discusses the profile of a sexual abuser, signs for recognizing a child who has been sexually abused and the consequences of sexual abuse.

**Chapter III** describes the goal of a prevention and intervention policy on violence and sexual abuse and proposes the principles that define an organization's position and philosophy, as well as the components of a policy.

**Chapter IV** sets out the steps for implementing a policy and various preventive measures in the areas of administration, recruiting of volunteers and paid staff. It also contains support measures and guidelines for improving the security of the physical environment.

**Chapter V** discusses different conditions of intervention in specific problem situations and proposes procedures for the suspension or dismissal of a member, if need be.

**Chapter VI** sets out the various laws for organizations and leaders to consult when there is misconduct or an offence endangering the security of minors.

**Chapter VII** discusses collaborative action with local partners for implementing a prevention and intervention policy on violence and sexual abuse.

The last part of the guide includes a tool kit in which various documents are proposed regarding the preventive measures necessary for implementing a policy. A *RESOURCE DIRECTORY* is also enclosed.

To make it easier to implement a policy, we invite you to tailor the guide and the different documents it contains to suit your needs.



# Chapter I

## IMPORTANT DEFINITIONS

Sports and recreation are areas of activity where violent behaviour is often tolerated on the pretext that you have to be aggressive in competition and that youths have to learn to « measure » themselves against each other. It is deplorable that professional sports leagues offer youths models where violence, roughness, hitting and fighting are common and even encouraged by the sports community and the public. It then becomes more difficult, in such a dominant current, to dissociate from these models and advocate friendship and respect for others.

*Any violent situation calls for action...  
Doing nothing amounts to being an accomplice.*

In this chapter, definitions are proposed for the different forms of violence – physical, psychological, verbal, as well as harassment and sexual abuse. This last form of violence will be discussed at length because it may sometimes have serious legal implications for the organizations and because it is taboo in our society.

Moreover, given the complexity of sexual abuse, and the myths and prejudices that surround it, it is important to adopt a definition recognizing that it is first and foremost an act of domination, humiliation, abuse of power and violence. Regardless of the form it takes, **sexual abuse is a crime.**

### 1. PHYSICAL, PSYCHOLOGICAL, VERBAL VIOLENCE AND HARASSMENT

**Violence** can be defined generally as acting upon someone or making someone act against his will by employing force or intimidation; using brute force to make someone submit.

**Physical violence** is when a person injures or threatens to intentionally injure another individual. It can involve slapping, hitting, shaking, kicking, pulling hair or ears, punching, shoving, restraining, bullying or imposing excessive exercise as punishment.

**Psychological violence** is an attack on a person's self-esteem. It is psychologically destructive behaviour by one person against another. It can take the form of insults, threats, humiliation, intimidation, ostracism, bullying, or deliberately ignoring the needs of a child.

**Verbal violence** includes shouting, screaming, yelling; sometimes also speaking soft and low to utter insults, offensive or sarcastic remarks, threats, prohibitions, orders and blackmail.

**Harassment** is a form of discrimination. In most cases, harassment is when a person tries to exercise undue power over another. It is conduct that includes, among other things, comments, jokes, nicknames, insinuations, sarcastic remarks, threats, racial or sexist insults, scornful remarks, or using language that reinforces stereotypes, condescending or demeaning behaviour.

Harassment can be physical, verbal, sexual or emotional : it often includes a combination of these various forms and it may be a criminal offence. It has a harmful effect and creates a hostile environment. Reprisals or threats of reprisals are aggravating factors in all cases of harassment, particularly when committed by a person in a position of authority.

## 2. SEXUAL ABUSE

**Sexual abuse** is any sexual activity in which the victim is induced or coerced to participate with the abuser or another person, against the victim's will, through emotional, physical or authoritative manipulation, whether obviously or not, whether or not there is evidence of an injury or physical or emotional trauma, no matter what the sex of those involved.

It involves imposing attitudes, actions or words with a sexual connotation against the will of another, either by using intimidation, blackmail, manipulation, lies, ruses, abuse of trust, threats, coercion, harassment or violence, whether verbal, physical or psychological.

***When a person is in a position of trust or authority, the idea of consent, whether expressed or implied, can never be used to justify sexual activity with a minor.***

# Chapter II

## PROFILE OF A SEXUAL ABUSER AND CONSEQUENCES OF SEXUAL ABUSE

### 1. DO SEXUAL ABUSERS FIT A SPECIFIC PROFILE ?

There is no « typical » sexual abuser. In fact, he is generally someone who is beyond suspicion. However, the mere fact that a person devotes his free time to helping young people should not automatically make him a suspect. Although it is very difficult to identify a sexual abuser, a number of factors should be brought to the attention of the leaders of sports and recreation organizations who are responsible for recruiting and selecting volunteers.

In general, **the abuser is known to his victim** and exerts a certain authority or influence over him. The abuser is often liked and respected by his peers and trusted by the child. Once established, this trust will place the abuser above suspicion and will give him the illusion of being able to act with impunity, without fear of accusation or suspicion.

The longer sexual abuse persists without punishment or fear of accusation, the more an abuser is encouraged to continue. Unfortunately, for each accusation made against a sexual abuser, there are many victims who seek comfort in silence, trying to forget their suffering.

Most experts agree that child sexual abusers :

- are men in 98 % of cases;
- may be married or single;
- may have difficulty establishing a normal, satisfying emotional relationship with an adult;
- may be overly drawn to children and excessively, and sometimes obviously, seek out their company, trust and friendship;
- know how to plan their approach to young people and even their parents. They patiently establish circumstances in which they are free to act without risk of being suspected, surprised or even accused;
- sometimes seek to gain children's trust through certain treats or gifts; in order to obtain what they want, they may resort to blackmail, compliments, trickery, promises or even threats.

#### Statistics

A national survey on sexual abuse (Badgley 1984) shows that three out of five girls and one out of five boys have suffered sexual abuse. The vast majority of abusers are men (98 %). More than 90 % of them are known to their victims. For the most part, abuse takes place in a child's family environment, extended family or social environment.

In 1998, a survey conducted by the Direction de santé publique of the Agence de développement de réseaux locaux de services de santé et de services sociaux, Montérégie, among young people in 45 secondary schools gave results similar to the above figures. In Secondary V, 31 % of girls and 5 % of boys

said they had already been subjected to sexual contact (kisses, caresses, touching or sexual relations) when they did not want it.

Tourigny and Guillot (1999) report that the studies conducted among adult populations show that one out of three women and one out of six men have been sexually abused before reaching adulthood.

*« The child sexual abuse victims we know only represent a minority of the child victims. »*  
(Tourigny and Guillot, 1999, p. 17)

Some research shows that children have difficulty defending themselves alone in situations of abuse (Kosky, 1987) and that it is very difficult for a victim to disclose sexual abuse. One of the main factors associated with this difficulty is the close tie between the victim and the abuser (Tourigny and Lavergne, 1995).

## 2. CAN ANY CHILD BE A VICTIM OF SEXUAL ABUSE ?<sup>1</sup>

**All children, both girls and boys, may be victims of sexual abuse.** In fact, due to the relationship of trust and the attachment that develop in the practice of sports and recreation between youths and adults in a position of authority, the youths can easily be manipulated, exploited, betrayed, and become the victims of sexual abuse.

**Fear, the desire for privileges or the possibility of rejection are other factors that can explain a child's compliance.**

Children do not choose to be victims of sexual abuse. They are not responsible for it and should, under no circumstances, be blamed for what happens to them. Regardless of whether or not a child obtained privileges, this in no way alters the adult's responsibility.

**Children become victims of sexual abuse not because they are weak or have provoked an abuser, but simply because they are children and trusted someone who did not deserve their trust.**

## 3. HOW TO RECOGNIZE A CHILD WHO HAS BEEN SEXUALLY ABUSED ?

A child who has been sexually abused is not always capable of voluntarily informing those around him of his situation. However, certain signs should alert the people around the child to the fact that something is wrong and prompt the responsible adults to look into the child's situation more closely.

Among these signs are :

- Sudden changes in the child's behaviour;
- A marked loss of interest in the activity and a significant decrease in the quality of performance, or even complete withdrawal from the activity;
- Difficulty sleeping, changes in appetite, abdominal pains, nosebleeds, vomiting;
- A tendency to avoid certain people, situations or places;
- An unusual desire to be alone, a tendency toward withdrawal, running away, truancy;

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<sup>1</sup> Direction des sports of the Ministère des Affaires municipales du Québec. *Les abus sexuels dans le sport amateur. Guide de prévention et d'intervention destiné aux administrateurs sportifs.* Gouvernement du Québec. 1994. (Sexual Abuse in Amateur Sports. A guide to prevention and intervention developed for sports administrators).

- Depression, a negative attitude, frequent aggressiveness and even self-destructive behaviour, irritability;
- Physical evidence : bruises, burns, sexually transmitted diseases, repeated injuries;
- The development of certain phobias or exaggerated fears;
- A decrease in self-esteem and an unusual need for positive reinforcement;
- Mood swings;
- Compulsive lying;
- Inappropriate sexual behaviour for the child's age.

These signs are not proof that a child has been the victim of sexual abuse, but they may indicate that something is wrong, particularly if such behaviour persists or is accompanied by other unusual behaviour. This evidence may also signal other types of mistreatment, family problems, problems at school, or related to a child's self-esteem. We are required by law to report these cases to the authorities concerned. The list of these resources can be found in the *RESOURCE DIRECTORY* at the end of this document.

## 4. WHAT ARE THE CONSEQUENCES OF SEXUAL ABUSE FOR VICTIMS ?

### The victims

Since force or physical violence is rarely used in cases of sexual abuse, the abuser will leave few bruises or very obvious marks on his victims. Difficulty establishing a normal emotional or sexual relationship in adulthood may be one of the consequences experienced by a child who is the victim of sexual abuse.

The consequences will be even more profound and painful if the child trusted the abuser, if he felt an emotional bond with him and if he had to depend on him for protection or to meet certain essential needs.

The psychological and emotional balance of some victims of sexual abuse is completely upset. They often feel powerless, ashamed and guilt-ridden. They are also afraid of being stigmatized and of being judged by their parents and the people around them.

In addition to the many psychological effects, there is also the possibility of sexually transmitted diseases or unwanted pregnancies. The child's age, his personality, vulnerability, and the strength of guilt feelings about the abuse may affect the severity of the consequences.

Repeated sexual abuse may cause serious emotional damage and engender self-destructive behaviour. During adolescence, such behaviour may often result in alcohol or drug abuse, eating disorders, delinquency, prostitution or even suicide.

Most sexual abuse cases are kept secret a long time before they are disclosed. In the meantime, many victims will have decided to abandon their favourite sport or recreational activity to escape the abuser and will remain silent. This silence has the double effect of preventing many victims from obtaining help and allowing the abuser to continue to abuse other children.

## **The people in the victim's circle**

The reaction of the people close to the child is crucial in the « devictimization » process. Not being believed, not being helped or facing indifference may cause lasting and intense suffering. However, supporting, listening to, and comforting the child, combined with respect and empathy on the part of the significant people in the child's life will help heal the injuries much more than one might expect. **Confidentiality regarding the child's identity is mandatory and only authorized persons may know the child's name.**

When children are victims of sexual abuse, the people around them will also need help : their families, the other children and their parents and all the activity leaders and volunteers working in the community. It will be necessary to seek out professional assistance to help the community restore a climate of trust.

The list of professionals can be found in the *RESOURCE DIRECTORY* at the end of this document. Among other information, this directory contains the names of organizations which can help sexual abuse victims and their families.

## *Chapter III*

### **PREVENTION AND INTERVENTION POLICY ON VIOLENCE AND**

*Prevention begins well before the outbreak of a crisis.*

#### **1. GOAL OF A PREVENTION AND INTERVENTION POLICY**

For organizations, corporations and other associations, the implementation of a prevention and intervention policy on violence and sexual abuse is a concrete way to assume the protection of children and to promote a clear position throughout the community against violence.

Since children are a vulnerable group in society, efforts should be made to protect them in their environment. In this perspective, the purpose of implementing such a policy is to :

*Prevent violence and sexual abuse  
in sports and recreational activities offered to young people.*

The supervision of relations between youths and adults during activities is essential to reduce risks of violence and sexual abuse in youth sports and recreation environments. While refraining from interfering in the spontaneity of human relationships and standardizing relations between adults and youths, the implementation of a prevention and intervention policy on violence and sexual abuse is mandatory to create safe living environments for youths.

Prevention involves several aspects. Along with seeking to reduce the incidence of criminal acts, eliminate risks of misconduct and intervene effectively in problem situations, a prevention and intervention policy will encourage individuals to act promptly in cases where actions that may appear harmless risk degenerating into abusive situations.

## **2. PRINCIPLES TO CONSIDER IN DRAFTING A POLICY**

In the first place, it is important to have a clear definition of the principles that will guide the organization's intervention orientation and philosophy.

Here are some of these principles :

- Respect for the individual, his physical and moral integrity;
- Zero tolerance for any form of verbal, psychological or physical violence, harassment and sexual abuse;
- Fair and equitable treatment of everyone, while respecting differences, strengths and weaknesses;
- The well-being, safety and protection of youths;
- The development and growth of young people through participation in healthy and constructive activities;
- The accountability of adults for the safety and security of youths;
- Healthy relations between youths and adults and the promotion of stimulating and dynamic adult role models for young people;
- Promotion of the positive aspects of sports and recreational activities, such as relaxation, sportsmanship, self-discipline, challenges, success, respect for the body, joy of movement and growth.

## **3. ELEMENTS OF A POLICY**

There are several factors which an organization should consider when drafting a prevention and intervention policy on violence and sexual abuse. These are :

- The context of intervention;
- The principles defining the organization's intervention position and philosophy;
- The definitions of specific terms;

- Application of the policy :
  - Name of the sexual abuse prevention officer;
  - Organization's Code of Ethics;
  - Rules and procedures for suspension, dismissal and refusal of new members;
  - Recruiting procedures;
  - Measures to ensure the security of the physical premises;
  - Means to inform and raise awareness among parents, children, volunteers and paid staff;
  - Training initiatives for volunteers and paid staff;
  - Procedures in case of problem situations.

However, unless all the proposed actions can be put in place immediately, it is better to start slowly. The success of a policy depends in large part on co-operative efforts, the commitment of many people, and gradual implementation.

If you have to choose what actions to take in order of priority, it is suggested you follow the order below :

- Amendment of the organization's statutes and by-laws;
- The organization's Code of Ethics;
- Information and awareness regarding violence and sexual abuse;
- Support to volunteers and paid staff;
- Screening of volunteers and paid staff;
- Training;
- Safety proofing of physical premises.

**See Tool 1**  
 Model prevention and intervention policy on violence and sexual abuse.



# Chapter IV

## IMPLEMENTATION OF A PREVENTION AND INTERVENTION POLICY ON VIOLENCE AND SEXUAL ABUSE

This chapter sets out steps to help you implement a prevention and intervention policy on violence and sexual abuse in your organization. The implementation process requires two categories of action – policy implementation steps and prevention measures. It is suggested that you read the entire chapter before beginning so that you clearly understand all the aspects involved in implementing a policy.

### 1. POLICY IMPLEMENTATION STEPS

Several actions are necessary to implement a prevention and intervention policy on violence and sexual abuse in your environment. Here is a list of steps to make this task easier.

- **Contact the organization promoting the policy in your region (Unité régionale de loisir et de sport) (Regional sports and recreation branch) (URLS)**

**See Tool 2**  
Steps for implementing a prevention and intervention policy on violence and sexual abuse.

The counsellors of your Unité régionale de loisir et de sport (URLS) will answer your questions and may meet with you to explain the main themes of the policy, the prevention approach developed, and the steps for implementing it in your organization.

The addresses and telephone numbers of the various URLS can be found in the *RESOURCE DIRECTORY* at the end of this document. To support and inform your organization's volunteers and responsible officers about the themes related to violence and sexual abuse against youths, the URLS will direct you to an organization specializing in these issues.

- **Adopt a resolution to introduce a prevention and intervention policy on violence and sexual abuse**

**See Tool 3 a**  
Model of a resolution for introducing a prevention and intervention policy on violence and sexual abuse.

It is important that the organization, by resolution, announce its intention to work with partners in the community on developing an action policy on violence and sexual abuse. By doing this, the organization entrusts responsibility for the project to a multi-sectoral working group made up of different resource people.

- **Develop the policy according to the model outlined in Tool 1**
- **Submit the draft policy to the organization’s members at a General Meeting for official approval**

**See Tool 3 b**  
 Model of a resolution for implementing a prevention and intervention policy on violence and sexual abuse.

It is essential that all members of the organization and its partners be well informed of the policy’s contents and of the prevention and intervention measures that will be put in place to deal with violence and sexual abuse. This could be a good opportunity to have the members approve amendments to their general by-laws so as to include the necessary provisions concerning suspensions or dismissals.

- **Promote the policy**

Whenever possible, policy-promotion activities should be organized, such as a press conference to announce it officially, articles in the local newspapers, and information meetings with parents, organization officers, volunteers and youths. Invitations could be issued to participate in certain activities (selection committee, policy implementation committee, environmental design, etc.).

More and more often we hear media reports about cases of sexual abuse against youths and children. By publicizing its policy on violence and sexual abuse, the organization will send a clear signal to the population and will stand out as a proactive player in youth protection and safety.

- **Appoint a person or a committee to be responsible for implementing and applying the policy**

The organization should appoint a sexual abuse prevention committee or a single officer. The committee may be composed of volunteers, paid staff and administrators. It will need the required legal authority (board of directors, management, executive committee, etc.) for any decision that binds the organization. It may propose procedures for enforcing the policy and will be responsible for its implementation and monitoring. This committee will be responsible for monitoring the policy’s progress, supporting pre-designated people in charge of specific functions, and taking action on problems as they occur.

If you work with several organizations, you may decide that the committee will act on behalf of several organizations in your community.

Once the various implementation phases are completed, the organization will then ensure that follow-up is done by the various responsible officers and that the rules predetermined by the board of directors are enforced and observed.

To ensure everyone's cooperation, the board of directors will constantly have to provide information and increase public awareness about the organization's action policy on violence and sexual abuse.

## 2. PREVENTIVE MEASURES

There are several kinds of preventive measures : administrative measures, recruiting measures, support measures and environmental measures.

### *a) Administrative measures*

- **DISSEMINATION OF THE CODE OF ETHICS**

**See Tool 4**  
Code of Ethics of the organization.

The Code of Ethics is based on the organization's statement of guiding principles. This Code of Ethics is necessary to establish rules of conduct. It can become a tool for promotion of healthy and stimulating relations between youths and adults. This will allow the community to develop responsible and dynamic adult role models for youths.

It is recommended that the Code of Ethics be posted in all places accessible to the public and in the offices where employees and volunteers work.

- **MODIFICATIONS OR ADDITIONS TO THE STATUTES AND GENERAL BY-LAWS**

To be able to take action and protect the organization, it is important to modify the organization's statutes and by-laws. You will have to adopt, by resolution, the necessary rules for suspensions, dismissals, or refusal of new members and have them ratified at a general meeting of the members.

**See Tool 5**  
Model of a resolution proposing a modification to the by-laws.

*Sports and recreation organizations must abide by a number of recognized requirements and rules to suspend or dismiss members. Failure to comply with these rules and requirements could prompt the members suspended or dismissed to have the courts nullify the decisions and obtain compensation for the damages and inconvenience caused them. This power must therefore be exercised cautiously.<sup>2</sup>*

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2 The text of this section is taken from M<sup>c</sup> Laurier Dugas' document : *La suspension ou l'expulsion des membres dans les organismes de sport amateur en matière d'abus sexuels*. Regroupement Loisir Québec, Service juridique. 1997.

### **Conditions required to exercise the power to suspend or dismiss**

The power to suspend or dismiss someone must be clearly mentioned in the internal by-laws.

*It is recognized that in the absence of such mention, the organizations would not have the right to suspend or dismiss their members, even if the acts complained of were totally reprehensible or contrary to the laws in force.*

The by-laws must indicate the body within the organizations (board of directors, executive committee, ad hoc committee, disciplinary committee, members' Annual Meeting) that will be mandated to apply this power.

*To avoid a court challenge, which is always possible, it is recommended that the Executive Committee or the board of directors be the designated decision-making body. Moreover, an appeal to the members' Annual Meeting is not recommended.*

The grounds allowing organizations to suspend or dismiss a member shall be set out in the by-laws, at least in their main lines.

*The by-laws of amateur sports or other organizations fairly often provide that a member may be suspended or dismissed for violating the by-laws or for wrongful conduct. These grounds of suspension and dismissal are too general; it would be advisable for the organizations' by-laws to state that being accused or found guilty of a criminal offence constitutes wrongful conduct.*

Organizations must respect the following rules of natural justice :

- The member must be informed in writing and given a brief description of the complaints against him.

*It is not necessary to set out each of the complaints in the notice. However, it is important that it contain enough information to allow the member concerned to know the exact nature of the allegations against him. This rule does not really apply where a member has been charged or found guilty. The mention of the charge or the verdict is sufficient in these circumstances.*

- The notice sent to the member concerned must mention that he may be present at the meeting where his conduct will be examined to give his version of the facts.
- The notification period shall be reasonable.

*It is agreed that seven (7) or ten (10) days' notice would meet this requirement.*

- The body responsible for examining members' conduct must show impartiality and good faith.
- The recognized rules of evidence must be observed.

*Even though organizations cannot be required to observe all the rules of evidence applicable in a court of law, they are nonetheless expected to refuse hearsay evidence. They are also expected to see that accusations made against members are proven by relevant documents and testimony.*

In some cases, it is preferable to consult a lawyer.

## ***b) Recruiting measures***

- **SCREENING PROCESS FOR VOLUNTEERS AND PAID STAFF**

Every organization has a social obligation to take the necessary steps to ensure the integrity of its volunteers and paid staff. Legal action could be taken against an organization if it is proven that it did not verify certain points before entrusting children to a person. A candidate's availability should not be the only selection criterion. It is through a systematic hiring process that examines a candidate's qualifications, references, absence of criminal record and interview results that an organization can do the most in terms of preventing sexual abuse, while at the same time creating an environment that discourages potential abusers. **These preventive measures apply to both new recruits and people already in place.** They are a few steps in a screening process that could be more elaborate. These precautions are not totally foolproof, even when they are applied systematically. Moreover, if they are not combined with rigorous adult vigilance, they can give a false impression of security.

It should be noted that the Canadian Association of Volunteer Bureaux Centres has published a document entitled *The Screening Handbook : Protecting Clients, Staff and the Community*.

We propose the following three screening steps :

- **Selection interview**

It is suggested that a selection committee be formed, consisting of two or more persons, including a person from the sexual abuse prevention committee. At the beginning of the interview, the candidate will be informed of the organization's action policy on violence and sexual abuse and its Code of Ethics. The committee will give the candidate a copy of the Code of Ethics so that he can examine it. The candidate will then be informed about the procedures for a police check and the type of information to be gathered.

**See Tool 6**  
Interview  
guidelines for  
selecting  
volunteers and  
paid staff.

- **Request for references and verification of suitability references**

**See Tool 7**  
Candidate's  
Personal  
Information Sheet.

The organization should ask candidates for references from two or three people, such as an employer, a neighbour, or an administrator in an establishment where the candidate was once employed. The organization is responsible for checking the candidate's references to confirm the information provided by the candidate. Special attention should be paid to experience with youth. The results of all these checks will be considered to make a decision on whether or not to hire the candidate.

- **Criminal background check**

**See Tool 8**  
Steps for  
conducting a  
criminal  
background check.

The measures for preventing violence and sexual abuse against youths are intended to eliminate abusers from positions of responsibility. **Systematic screening of new candidates makes it more difficult for abusers to become part of an organization but does not, however, guarantee total protection.**

Indeed, it should be borne in mind that only a small minority of abusers are convicted of criminal offences and that few of them have a criminal record. A criminal background check is based, in particular, on whether or not a criminal record exists. For example, if someone was charged with a sexual crime against youths and was not found guilty (due to a lack of evidence beyond reasonable doubt), nothing will appear in his file and he may seem to be a suitable candidate.

**See Tool 9**  
Criminal  
Background Check  
Request.

To verify this information in accordance with the laws governing criminal records and access to information, the organization will ask the volunteer candidate to sign an authorization allowing it to **check with a Police Department and obtain a criminal background check report.**

The organization will have previously established a Memorandum of Understanding with its local Police Department for this purpose.

**See Tool 10**  
Memorandum of  
Understanding  
concerning criminal  
background  
checks.

It is suggested that the organization do a criminal background check of people who already hold positions, so as not to create different classes of people, and so as to render the policy more transparent and effective.

Where there is a criminal record involving sexual offences against children, the candidate will probably withdraw his application or offer his resignation. If he does not, the organization will have to take a position. Where a criminal record does not involve sexual offences against children, the organization must refer to the offence categories (determined in advance) that constitute a valid reason for refusing to hire a candidate. A list of offence categories is given in the following table :

### **OFFENCE CATEGORIES**

<b>Sex</b>	Any behaviour or any offence such as sexual assault, indecent acts, solicitation or abetting of prostitution, etc.
<b>Violence</b>	Any behaviour or any criminal offence in which any form of violence was used, such as homicide, robbery, abuse, kidnapping, confinement, threats, intimidation, harassment, etc.
<b>Theft and fraud</b>	Any behaviour or any criminal offence, the very nature of which can be likened to theft or fraud, such as breaking and entering, theft, taking a motor vehicle without consent, fraud, corruption, impersonation, etc.
<b>Driving</b>	Any behaviour or any criminal offence relating to driving a road vehicle, such as impaired driving, hit and run, etc.
<b>Drugs and narcotics</b>	Any behaviour or any offence related to narcotics, food and drugs, such as possession, trafficking, importing, cultivation, etc.

It is important to define clearly what types of offences justify refusal of a person's services or his dismissal and how long ago the offence was committed. For example, a shoplifting offence committed fifteen years ago is not as significant as sexual abuse against children.

Screening is a form of discrimination and, if it is applied, it is important to justify its rationale and the ethical principles based on the requirements of the position and the special circumstances of the clientele, and not on the basis of prejudices or subjective criteria.

### *c) Support measures*

- **SUPPORT FOR VOLUNTEERS AND PAID STAFF**

Support for volunteers and paid staff is important in implementing a policy on violence and sexual abuse. Sharing of tasks is recommended to avoid overworking the same people. Whenever possible, each member should feel personally responsible for implementing the policy.

The sexual abuse committee has an active role to play in promoting the rules for preventing violence and sexual abuse. Other persons may be appointed to implement the information, support and supervisory measures.

It will therefore be important for an organization to take action in its everyday activities before it is faced with serious acts of violence and sexual abuse. Vigilance is everyone's business, and intervention as soon as undesirable behaviour occurs is important, even if some acts may seem commonplace.

Here are some examples of concrete actions to support the volunteers and paid staff :

- Keep a watchful eye on attitudes and behaviour;
- Provide more systematic support to new candidates;
- Take time to become familiar with the Code of Ethics;
- Follow up on any uncomfortable situation (example : disparaging remarks about a person's physical traits, exclusion of a younger or frailer child, a girl or a child who does not perform as well);
- Take a stand on such occurrences;
- Find solutions to remedy them;
- Help people in the midst of a violent or sexual abuse situation and possibly refer them to a recognized professional;
- Discuss cases at a meeting;
- Provide information regularly to staff, volunteers, children and parents;
- With the collaboration of qualified staff, organize awareness activities for children, as well as awareness and training sessions for staff and volunteers;
- Establish rules concerning trips that require an overnight stay;
- Issue guidelines regarding proper behaviour with youths.

**See Tool 11**  
Guidelines  
regarding proper  
behaviour with  
youths.

All these actions together will guarantee the policy's success.

- **INFORMATION AND AWARENESS (VOLUNTEERS, PAID STAFF, PARENTS AND CHILDREN)**

The purpose of applying a policy is to create a mutual aid network to support the efforts of adults and children in preventing violence and sexual abuse in sport settings. To set up and maintain a network, everyone, both children and adults, must receive information on the subject.

The sexual abuse committee or officer will disseminate information at all levels : volunteers and paid staff, parents and children. The committee should be known in the community and it should be easy to contact the person responsible for it.

**For volunteers and paid staff**

It is suggested that the board of directors or the responsible officer hold an annual information meeting before the season begins. At this meeting, the volunteers and paid staff will receive information and be given the following documentation :

- The organization’s Code of Ethics (Tool 4);
- Keeping an Eye out for Violence against Children and Teens;
- Myths and Realities;
- Violence and Children;
- Approaches and Techniques for receiving the Confidences of a Youth;
- Newsletter to parents;
- Indicators that a Youth might be a Victim of Violence or Sexual Abuse.

See Tool 12  
Information documents.

You may find these documents useful during this important step of the policy implementation process. They can be distributed to volunteers, paid staff and parents.

**For parents**

At the time of registration or at a pre-season meeting, the prevention and intervention policy on violence and sexual abuse should be explained to the parents.

**For children**

**If, for specific reasons, the organization wants to discuss the subject of sexual abuse with the children, it is essential to obtain the parents’ authorization before doing so.** In this case, it is suggested that you seek the input of community groups like ESPACE, which specialize in child abuse issues. The community groups’ addresses and telephone numbers can be found in the *RESOURCE DIRECTORY* at the end of this document.

Children can receive information on safety through a volunteer, a sexual abuse officer or the committee. Subjects such as violence, camaraderie and the respect that should prevail during an activity can be discussed.

- **TRAINING**

Training sessions are suggested for the organization's personnel, including volunteers, members of the committee responsible for the policy's implementation and application, the board of directors or paid staff.

The purpose of training is to :

- Make sports and recreation staff and volunteers more comfortable dealing with the subject of violence and sexual abuse;
- Inform and train paid staff and volunteers on the policy's contents and on the use of the tool kit to help them intervene effectively with youths;
- Increase leaders' efficiency by providing them with knowledge about the realities of violence and sexual abuse, preventive measures and basic intervention required in problem situations.

The following two areas are to be covered :

- Support in understanding and implementing the policy;
- Information concerning the problem of violence and sexual abuse, prevention measures, and basic interventions.

The subject of sexual abuse is a delicate matter and **it is recommended that you call upon specialized community organizations that have expertise and can provide training and support.** The training will familiarize you with the document and its contents. It can be organized in collaboration with partners or other organizations in the community.

The following table outlines the themes and points that could be discussed during training :

<b>Awareness</b>
<p><b>Understanding violence and sexual abuse against children :</b></p> <ul style="list-style-type: none"> <li>• Forms of violence;</li> <li>• Vulnerability of children to violence and sexual abuse;</li> <li>• Consequences of violence and sexual abuse.</li> </ul>
<b>Prevention</b>
<p><b>Implementation and application of the prevention and intervention policy :</b></p> <ul style="list-style-type: none"> <li>• Publicizing the policy's contents;</li> <li>• Implementing the policy;</li> <li>• How to use the policy's tools;</li> <li>• Screening volunteers and paid staff (hiring, support and supervision);</li> <li>• Informing children, parents, volunteers and paid staff.</li> </ul>
<b>Intervention</b>
<p><b>What to do when a situation of violence or sexual abuse arises :</b></p> <ul style="list-style-type: none"> <li>• To help a child;</li> <li>• To help the organization;</li> <li>• Legal responsibilities.</li> </ul>

### **Continuing education**

There is a lot of staff turnover in sports and recreation organizations, just as there is in the job market. It is therefore important that the organization develop a succession by delivering training sessions regularly. This will train new volunteers and paid staff on the contents of the policy, while raising their awareness and giving them tools to intervene more effectively with children.

### ***d) Environmental measures***

#### **• MANAGEMENT OF PHYSICAL SPACE**

Some theories maintain that the physical environment can contribute to fostering or controlling criminal behaviour and that it is possible to reduce the incidence of criminal acts by means of appropriate layout and effective use of the physical environment (CMHC, 1996).

The sense of belonging and community consciousness of people who use the facilities are protective factors. These feelings translate into collective responsibility for preserving a healthy living environment. A lack of civic-mindedness in a community may indicate a lack of surveillance and involvement by the authorities. Poorly maintained facilities may give the impression that there is no supervision.

A sense of belonging will prompt natural surveillance. The community's ability to detect individuals involved in reprehensible behaviour should be put to good use. The objective of this surveillance is to benefit from as many eyes as possible to spot potential targets or victims. In an environment that promotes prevention of violence and sexual abuse, people who witness unacceptable behaviour will feel more inclined to denounce such acts to the authorities.

Another effective strategy is to strengthen the potential target (youths) against attacks by applying means and barriers to prevent certain individuals from entering an area clandestinely or approaching a victim to commit a crime.

The following points will help reduce opportunities for offences in places frequented by youths :

- Remove graffiti from the walls and keep the premises clean and pleasant;
- Establish strict rules of respect for equipment and the cleanliness of the facilities;
- Lay out the space to maximize natural surveillance;
- Lay out the windows and entrances to facilitate natural surveillance without invading privacy;
- Reduce potential isolation of individuals or small groups (nooks and corners, poorly lit areas, etc.);
- Install locks and lock the doors and gates outside the hours of use;
- Conduct regular rounds and spot checks of activity rooms, showers and locker rooms;
- Avoid situations where an adult is alone with children in certain places;
- Control access and exits.

The improvements you choose to make to your environment depend on your prevention goals. Measures can range from the most commonplace to the most innovative, without involving high costs.

# Chapter V

## CONDITIONS OF INTERVENTION

### 1. WHAT TO DO IN PROBLEM SITUATIONS...

The trust and friendship that develop between youths and adults in sport and recreation settings can lead to violence and sexual abuse. However, quick and appropriate action can limit the harmful effects of any problem situation.

Section 39 of the Youth Protection Act stipulates that all persons who provide care or services to children or adolescents are required to report a situation if there are reasonable grounds to believe that a child is in danger within the meaning of section 38 of this Act, even if they are bound by professional secrecy.

This chapter will therefore discuss the means and actions to be taken when there are rumors or suspicions and when the child has something to confide or disclose. In any problem situations, it is recommended that you consult a qualified person to guide the intervention. The list can be found in the *RESOURCE DIRECTORY* at the end of this document.

#### *a) ...Regarding rumors or suspicions*

If a youth makes no disclosure but various elements appear to point to violence or sexual abuse, you must take this type of situation seriously and act prudently and strategically. Premature interventions are likely to betray suspicions and may have undesirable consequences for the victims and the course of events.

In collaboration with the sexual abuse officer, it is appropriate to **increase surveillance of the suspected individual** and reduce opportunities for individual encounters with youths as much as possible.

A person who hears certain words or observes inappropriate behaviour must not brush the matter aside. Without conducting an exhaustive investigation, he should :

- **Consider** the source of the rumor and the credibility of that source;
- **Discretely verify** the repetitiveness of observations and activities surrounding this adult or child;
- **Call the person responsible** for the organization's prevention and intervention policy to discuss the matter. Increase surveillance of activities involving the child and the suspected adult;
- **Respect confidentiality regarding the identity** and the events concerning the child. In sexual abuse cases, the identity of minors should only be known to the persons authorized by law. Imagine the burden on a child whose identity is known and the risks of reprisals this can represent;

- **Seek the advice of the police or the director of youth protection (DYP)** in assessing the situation, validating suspicions, and deciding upon an approach;
- **Make a report to the DYP** if reasonable doubt persists regarding the child's security or development.

The constant or repeated occurrence of rumors and observations is often the first source of information before a child speaks out. It may then be possible to encourage the child to confide in someone. This must be done with a great deal of tact and gentleness because the child must **never** feel forced to speak.

The subject could be raised with the child in any of the following ways :

- Tell the child that you are wondering whether anything is bothering him, that you would like to understand some things better (facts, observations, comments, behaviour, etc.);
- Express interest and even concern for the child's well-being, saying that for awhile now he has shown signs that could lead you to believe he is going through some difficult times;
- Assure the child that you only wish to help; validate his emotions and fears, and reassure him regarding the confidentiality of his statements;
- Invite the child to confide in you, even if it is about something he does not want to talk about for fear of causing problems for other people;
- Respect the child's needs and do not rush him.

### ***b) ...For youths who confide in you***

**See Tool 12 d**  
Approaches and techniques for receiving confidences from a child.

When a youth confirms or discloses that he is experiencing violence or sexual abuse, it is important to listen attentively to what he has to say. You should reassure the child that he has done the right thing in talking about it, in confiding in you, etc.

You must remember that your role is to **receive confidences and not to conduct an investigation. In this situation, it is important that you respect your limits.**

### ***c) ...When a child or adolescent makes a disclosure***

You must act immediately on any disclosure of violence or sexual abuse. The first person in whom the child confides is crucial for the outcome of subsequent events. Together with the sexual abuse officer, these people will have to :

- **Explain to the child** that his parent must be told, and why this must be done (parents have the primary responsibility for the safety of their children);
- **Inform the parents promptly.** They will be informed of the intervention measures the organization takes in disclosure situations;

- **Report the case to the director of youth protection (DYP).** The DYP must be informed of the information and facts obtained from the child. It should also be noted that the police have a duty to advise the DYP in order that the latter can assure the child's safety. In the case where the abuser is a stranger, the DYP will contact the child's parents and reach an agreement with them on how to proceed in response to what has occurred;
- **File a complaint with the police against the person** suspected of violence or sexual abuse.

Police officers and youth protection workers are specialists in conducting investigations and will know what information to obtain from the child to assemble the evidence. It is wise to consult these resource people and never confront the suspect. Great caution is required in these situations, and you must avoid hasty interventions. The interventions must be part of a strategy planned with the competent people.

Police investigations in sexual abuse cases are always conducted rapidly and with the welfare of the child in mind. To ensure a successful investigation, the abuser should only be advised of the complaint against him by the investigator in charge of the file, at the appropriate time.

The police officer's main role is to gather all the evidence necessary to charge the abuser and to arrest him if there is sufficient cause to do so. The file is then submitted to the deputy attorney general who will prosecute, if appropriate.

It is important to file a complaint because it is only through a police investigation that the abuser can be arrested and other children protected. The outcome of such an investigation depends largely on the testimony and evidence provided by people working in the environment in which the violence or sexual abuse was committed. It is therefore essential that these people cooperate fully with the investigators.

The organization should not attempt to be a substitute for the police investigators or the DYP, nor should it attempt to institute a parallel internal investigation. This could jeopardize the police investigation. Indeed, the investigation is a delicate process, requiring competence on the part of the investigator and the presence of professionals to help the child and his parents.

At this stage of the judicial process, the organization will be responsible for enforcing its suspension and dismissal by-laws. Such events trigger strong reactions in the community. The organization will therefore have to call on specialists to help people deal with the crisis.

### ***d) ...Regarding acts of violence or inappropriate behaviour***

When an individual learns (through a child, another adult, a parent or his own observations) that one or more members of the organization are committing acts or engaging in inappropriate behaviour involving youths (whether in language, attitudes or actions), it is recommended that the organization take measures to remedy these situations.

In collaboration with the sexual abuse prevention committee, the organization will analyze the situation and decide on possible measures to be taken depending on the seriousness of the facts :

- There will be a meeting with the person concerned to discuss the complaint. Guidance and supervisory mechanisms will be put in place to remedy the situation;
- To improve specific behaviour, all members of the organization should be reminded of the organization's by-laws, its Code of Ethics and each person's commitment to observe these rules;
- If you believe the allegations may involve violations of the Criminal Code, proceed according to the rules set out in this chapter. You can also consult the legislative provisions set out in Chapter VI, as needed.

Any incidents and events contrary to the spirit of the policy must always be the object of subsequent guidance and supervisory measures. The sexual abuse prevention committee should ensure that agreements and conditions established with the individuals are observed and that, in case of non-compliance, sanctions are applied in accordance with the organization's by-laws.

All volunteers and paid staff are encouraged to deal systematically with inappropriate behaviour, whether toward youths or adults. When parents also engage in inappropriate behaviour, they must be reminded that the Code of Ethics and the prevention and intervention policy on violence and sexual abuse also apply to them.

### ***e) ...Regarding disclosure of violence or sexual abuse committed elsewhere than in sports or recreational activities***

After listening carefully to what the child has to say and assessing the seriousness of the acts of violence or sexual abuse, it is important to provide the child with the necessary help and support. This will mainly involve doing the required follow-up while reassuring the child about the course of events.

#### **In case of violence or sexual abuse suffered by a minor outside the family :**

It will be important to encourage the child or adolescent to talk to his parents about the situation. It is the parent who will take responsibility for support and protection and who will make the decision whether or not to initiate criminal proceedings. A report must be made to the DYP so that the child victim may be protected if the parents are unable to do so.

If the DYP does not take protective action, the organization can contact psychosocial, legal and medical resources to provide assistance to the victims and their families. The list of these specialists can be found in the *RESOURCE DIRECTORY* at the end of this document.

### **In case of violence or sexual abuse within the family :**

If a child confides in an adult, the primary responsibility of the adult is to ensure the child's security if he returns to his family. It is recommended not to speak to a family member. **You must act immediately and report the case to the DYP**, providing all the information at your disposal, and asking whether or not they will act on the case. The youth protection workers must determine the urgency of the intervention. It is up to the DYP to determine whether the parents are capable of protecting the child.

In all cases where a citizen has knowledge that a crime has been committed, he must inform the police authorities. If the victims are minors, the police will systematically ensure that a complaint is filed with the DYP (if not already done). The police can also open an investigation for the purpose of gathering evidence to file criminal charges against the alleged abuser.

### ***f) ...Regarding fears of false allegations of sexual abuse***

Making an accusation, especially about sexual abuse, disturbs other people and makes them uncomfortable. Such acts are usually hidden and kept secret. The victims who speak out are often not believed. People would like to think that the victims are wrong. That is why, when a child confides in you, it is essential that the child be taken seriously. If any doubts or fears persist concerning the facts reported, it is preferable to consult a specialist for guidance.

The issue of false allegations is currently receiving wide coverage in the media and worries people in contact with children and adolescents. They fear that their behaviour and actions will be misinterpreted. False allegations are rarer than some would like us to believe. However, it is undeniable that such allegations may exist, even though children rarely lie about matters of this nature. There are still far too many situations of abuse that remain undisclosed.

Making an accusation, filing a complaint, pressing charges and testifying in court is a long and difficult process. There is a strong chance that false allegations will not end up in court proceedings. It is important to remember that to reach a guilty verdict in a criminal case, charges must be proven beyond reasonable doubt. In sexual abuse cases, it may often happen that the charges cannot be proven beyond reasonable doubt because there are rarely any witnesses to the event.

### **A not guilty verdict does not mean that the allegations are false**

Following a not guilty verdict, the accused cannot be considered « guilty » and cannot be suspended or dismissed. In such cases, vigilance is the only possible measure and is essential.

When an accusation is made and it can clearly be established that there has been no sexual abuse or wrongful acts, you then have to analyze the events and try to understand what happened. It will be necessary to determine what led the child or adolescent to make this type of accusation. Clearly, this type of disclosure may indicate a problem.

Such allegations, whether true or false, often rebound against children or adolescents. They risk losing credibility, losing friends and being forced to give up their activity. You have to ask yourself what the youth stands to gain by making such accusations.

## **2. WHERE TO GO FOR HELP**

Don't hesitate to consult specialists in these areas. A list of professionals who can help you in your interventions and assist victims of violence or sexual abuse and the people around them is given below.

### **Community organizations :**

- **Espace**

The ESPACE groups work toward prevention of all forms of violence involving children between ages 3 and 13 and the people close to them (non-abusers). They also offer consultation on suspicions, disclosures and obvious acts of violence and give support to all people involved with the victim. In addition, you can consult them if you are worried about certain violent situations. The ESPACE groups also offer prevention workshops for children and adults.

- **Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS)**

The CALACS centres offer special assistance to female clients age 14 and over who have suffered sexual abuse. CALACS can also offer consultation sessions to the victim's family and friends (non-abusers) and accompaniment to criminal court.

### **Public services :**

- **Local community service centres (Centre local de services communautaires - CLSC)**

In the Childhood-Family-Youth Service of the CLSC, social workers can offer consultation, support and help to children and adolescents who have suffered physical or sexual violence, as well as to their family and friends.

- **Police Department**

The organization can consult a police officer from the Youth Section to find out how to act in problem situations. Some Police Departments have a squad specializing in sexual abuse cases.

- **Hospitals**

In some situations, a medical examination may be useful to a victim of violence or sexual abuse and can eventually be used in the criminal proceedings. One or more hospitals in each region can complete a forensic kit, which is sent to the police laboratory.

- **Centre Jeunesse (Youth Centres)  
Director of Youth Protection (DYP)**

The DYP is part of the network of Centres Jeunesse. In general, the intervention of the Centres Jeunesse is intended to protect the child and help parents better assume their responsibilities. The Centres Jeunesse offer assistance mainly if protective measures are applied by the DYP, whether or not the cases are taken to court.

**Private services :**

Professionals (social workers and psychologists) can offer consultation and psychotherapy to individuals who have suffered violence or sexual abuse, as well as to their family and friends.

The professional associations can provide a list of specialists offering help to this clientele.

### 3. HOW TO PROCEED WITH SUSPENSION OR DISMISSAL

#### *a) Precautions before proceeding*

Complaints of sexual abuse in sports or recreational organizations undeniably cause shock among parents. On the spur of the moment, parents often demand that the administrators immediately dismiss the suspects. Under pressure, some may rush to comply with the parents' wishes, despite all the risks this can involve for them and for the organizations they direct. We must advise against this approach.

It is appropriate to make the following recommendations in this type of situation :

- Before initiating a procedure to dismiss or suspend a member, check with a police force or Crown prosecutor to ensure that a charge has been formally filed against this person before the courts;
- Never forget that, in our legal system, every accused person benefits from the presumption of innocence until found guilty by the court;

*This elementary rule of law applies in all circumstances in criminal law and persons charged with a criminal offence or sexual abuse within an organization should benefit from it like anyone else.*

- Considering the rule of the presumption of innocence, it would be a good idea for the organizations to refrain from dismissing an accused member as long as he has not been convicted;
- Before ruling on a member's suspension or dismissal, the board of directors must notify the member concerned by registered mail, giving a brief description of the allegations against him. The notice must also give the date, place and time of the hearing, and remind the member of his right to be heard;

**See Tool 13**  
Notice of hearing regarding suspension or dismissal.

*Subsequently, if the courts rule that the charge is founded, the organizations can always reopen the case once the appeal period has expired and decide to dismiss the guilty person.*

- If, after investigation, the Attorney General, to whom a criminal complaint has been transmitted, decides not to press charges, it is recommended that the organizations renounce suspending or dismissing the person. If the trial does not result in a guilty verdict, the organization will also have to renounce suspension or dismissal procedures. The organization will then find itself in a delicate position. If fears persist regarding potential acts of sexual abuse and the volunteer wants to continue his activities, the organization may then act according to certain rules;
- By agreement with the Board of directors, the organization should implement intensive vigilance measures, such as increased supervision and surveillance, the transfer of the person to a position where contact is monitored and limited, and prevention sessions with children, parents and volunteers.

### ***b) Hearing procedure for the suspension or dismissal of a member***

- The President of the organization will explain the rules of evidence, the conditions the corporation intends to follow and the procedure it proposes to apply;
- The President will invite the Corporate Secretary to deposit as evidence the documents indicating that a charge has been filed or that a guilty verdict has been rendered;
- The President will invite the member against whom a complaint has been filed to give his version of the facts and produce his witnesses. He will then invite the member to respond to the evidence submitted;
- The President will invite the member against whom a complaint has been filed and the persons accompanying him to withdraw before deliberating.

### ***c) Rules of evidence and conditions regarding criminal offences***

- Hearsay evidence is not admissible;
- A written document cannot serve as evidence unless it is produced by its author;
- A photograph cannot be submitted as evidence unless it is produced by the person who took it;
- The parties may be accompanied by counsel, if they so desire;
- The parties may testify themselves or be examined by their counsel;
- The parties' witnesses may testify themselves or be examined by their counsel;
- The witness fees are at the expense of the parties who produce the witnesses;
- The witnesses do not have to be sworn or make a solemn declaration;
- The testimony may be recorded to make it easier for the directors to assess the evidence submitted.

# Chapter VI

## KEY LEGISLATION CONCERNED

Children, as full citizens and vulnerable individuals, have a special right to protection. This right justifies and obligates the organizations to which children are entrusted to ensure their security. We will briefly discuss the laws governing misconduct and offences that may endanger the security and development of minors and their physical and moral integrity. These laws refer to various forms of protection that must be guaranteed to children in our society : they are the Québec Charter of Human Rights and Freedoms, the Youth Protection Act, the Criminal Code, the Young Offenders Act, the Civil Code of Québec and the Crime Victims Compensation Act.

### 1. THE QUÉBEC CHARTER OF HUMAN RIGHTS AND FREEDOMS

*« Every child has a right to protection, security and attention that his parents or the persons acting in their stead are capable of providing. » (Section 39)*

The Charter protects the fundamental rights of each individual. The Commission des droits de la personne et des droits de la jeunesse du Québec (CDPJQ) can impose sanctions on acts of abuse of power, harassment and discrimination. The CDPJQ issues opinions on certain situations, as it has done for screening of volunteers, for example, to clarify certain ambiguities and determine the legal benchmarks and the actual applications of such interventions (1999). It must be remembered that any internal by-law must conform to the Québec Charter of Human Rights and Freedoms. This guarantees the by-law's legality and will make matters easier for organizations in the event of court proceedings.

### 2. THE YOUTH PROTECTION ACT

The purpose of the Youth Protection Act, under provincial jurisdiction, is to ensure protection for minor children whose security or development is or may be in danger. It allows for implementing measures to correct the situation that led to the enforcement of this Act.

Section 38 of the Act describes the situations where a child's security and development are endangered. **When there is reasonable cause to believe that a child is endangered, a legal obligation to report the situation to the Director of Youth Protection (DYP) applies in all cases.**

Section 39 of the Youth Protection Act stipulates that all persons who provide care or services to children or adolescents are required to inform if they have reasonable cause to believe that a child is in danger within the meaning of section 38 of this Act, even if they are bound by professional secrecy.

One such cause is where the security and development of a child are endangered by sexual abuse or physical ill-treatment through violence or neglect.

The Act also reminds every adult « that he is bound to bring the necessary assistance to a child who wishes to notify the competent authorities of a situation that endangers his security or development, that of his brothers and sisters or that of any other child ». It should also be noted that it is not necessary to have proof or know with absolute certainty that a child has been a victim of sexual abuse and is in need of protection. Any adult with reasonable grounds to suspect that this is the case is obligated by law to report the case to the authorities responsible for investigating the facts.

Section 43 of the Act guarantees immunity for persons who bring a situation to the attention of the DYP : « No person may be prosecuted for acts done in good faith under the duty to report ». Also, persons who have reported a case to the DYP have an absolute right to anonymity.

The Act guarantees the necessary minimum for the security and physical, intellectual, emotional, social, moral and spiritual development of minors.

The Director of Youth Protection (DYP) does not have total responsibility for psychosocial support to victims and their families and friends. He may direct the victims to competent organizations for this type of support.

A complaint to the DYP is not a criminal complaint. In some situations, he may disclose the name of an abuser to the police if he considers it necessary, especially when he strongly fears that this person will repeat the offence or endanger the security or development of other minors. It is important to remember that reporting a case to the DYP does not prevent citizens from filing a complaint with the police.

### **3. THE CRIMINAL CODE AND THE YOUNG OFFENDERS ACT**

Under federal jurisdiction, the Criminal Code and the Young Offenders Act (for minors between ages 12 and 18) impose sanctions on simple abuses and on acts and abuses with a sexual connotation.

Every person who has reason to believe that someone has committed an offence or that there has been an offence may file a complaint with the police. It is the responsibility of the police officers and the investigators to question and even arrest an alleged abuser.

Where there has been sexual activity with children under age 14, consent cannot be invoked because this is not recognized by law, whereas adolescents between ages 14 and 18 may consent to sexual activity under the terms of the law. However, this consent is not legal and there is a crime of sexual exploitation if one of the persons involved is in a position of trust or authority toward a youth or is a person with whom the youth is in a relationship of dependency.

### **4. THE CIVIL CODE OF QUÉBEC**

The articles of the Civil Code of Québec allow suits before the civil courts. If the perpetrator of the criminal act is known, the victim or his kin may file a suit for damages against him before the courts, regardless of whether criminal proceedings have been instituted.

## 5. THE CRIME VICTIMS COMPENSATION ACT

A claim can be filed under the Crime Victims Compensation Act. For example, depending on the circumstances, it is possible to receive compensation for loss of income, permanent disability, physical rehabilitation (medical and hospital care, medication, physiotherapy, etc.) and social rehabilitation costs. It is not necessary to have filed a complaint with the police to benefit from services provided by the Bureau d'indemnisation des victimes d'actes criminels (IVAC) (Quebec organization responsible for handling compensation requests from crime victims).

Under the terms of the Act, an injury, a pregnancy resulting from a sexual assault, or mental or nervous shock can be bodily injuries. A claim must be received by the Commission de la santé et de la sécurité du travail (CSST) (Workmen's Compensation Commission), Services de l'indemnisation des victimes d'actes criminels (IVAC), within one year of the occurrence of the injuries.

A claim form can be obtained at the CSST's regional offices or by telephone from the Bureau d'indemnisation des victimes d'actes criminels (IVAC) for the Montreal region.

However, an organization named CAVAC (Centres d'aide aux victimes d'actes criminels) exists in several regions of Quebec. These crime victims' assistance centres offer telephone consultation, intake, emotional and moral support, and basic information on the legal process and the rights and remedies of crime victims. They direct the victims to the appropriate legal, medical, social and community resources.

The list of resources can be found in the *RESOURCE DIRECTORY* at the end of this document.



# Chapter VII

## COLLABORATION WITH LOCAL PARTNERS

The implementation and application of a prevention and intervention policy on violence and sexual abuse will require cooperation with several partners in the community. You will realize that many other organizations are concerned about the security and welfare of youths and that others possess knowledge and expertise that can support and help you. It is important that your organization not exceed the limits of its responsibilities and powers in this field. Other professionals should be called in when you find yourself in a delicate situation.

### Search for partners and cooperation agreements

Collaborative efforts favour greater consistency of interventions and better enforcement of the laws. In this sense, several organizations have every interest in associating with your initiative and your approach.

#### Police

The police are preferred collaborators with whom you will have to establish close ties (if this has not already been done), particularly by signing a Memorandum of Understanding with them (Tool 10). Criminal background checks are within their jurisdiction. They will have to respond to the requests that the organization will send them in this regard. The police will also be inevitable interveners in cases where criminal offences are committed.

The Sûreté du Québec, through its prevention programs, is an effective partner for raising awareness of target clientele and the general public. We invite you to contact the local station of the Sûreté du Québec in your regional county municipality (RCM) to obtain more information on the prevention programs offered and the type of cooperation you can obtain.

Programs	Topics covered	Clientele
<i>Cool pour vrai!</i>	Drugs and alcohol, violence (taxing, violence at school, sexual assault, violence in love relationships), mischief (graffiti, vandalism, theft).	Ages 12 to 17
<i>Je réfléchis avant d'agir!</i>	Being wary of strangers, Halloween, taxing, highway safety, alcohol and drugs, Internet security.	Ages 5 to 11
<i>C'est toi qui comptes!</i>	Pedagogical tool intended to promote health through sports and increase awareness of the dangers represented by performance-enhancing drugs.	Adolescents, coaches, parents and volunteers

### **CLSC (Local community service centre)**

Some CLSC social workers can offer information and referrals if needed. The CLSC remains a resource to which it may be appropriate to direct children with their parents after certain difficult events. Psychosocial follow-up services are generally offered there.

### **DYP (Director of youth protection)**

The office of the DYP plays its recognized role as the authority to act upon reported cases and protect minors. After assessment by the DYP, if the parents do not provide the necessary protection or refuse an agreement on voluntary measures, the case could be brought before the Youth Division of the Court of Québec and eventually referred to the services offered by the Centres jeunesse (psychosocial follow-up, educator, foster family, rehabilitation centre). Multisector agreements exist between the DYP and several organizations regarding situations of mistreatment or abuse of minors. You may refer to them to find out the conditions of access to those services.

### **Community organizations specializing in problems of violence and sexual abuse against children and adolescents**

The ESPACE organizations specialize in prevention of all forms of violence against children. These organizations are able to answer your questions and help you make informed decisions in situations requiring it. They are also familiar with all aspects of sexual abuse and will be able to clarify your questions and direct you to the appropriate resources.

The sexual assault crisis centres, known as Centres d'aide et de lutte contre les agressions à caractère sexuel (CALACS), are also capable of intervening and providing information, support and assistance with actions undertaken. A list of ESPACE and CALACS organizations in Quebec, as well as other organizations and workers qualified to do prevention in this field can be found in the *RESOURCE DIRECTORY*. Don't hesitate to contact them, even if only to validate your intuitions or dispel doubts.

### **Service clubs**

Service clubs can support you in the policy implementation process, whether through the voluntary involvement of one of their members or otherwise. All the service clubs in your locality are important partners. Some examples are the Lions, the Knights of Columbus and the Optimists, among others. The more they are informed about the realities of violence and sexual abuse against youths, the more they will be aware and on the alert regarding this problem.

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