

The Duke of Edinburgh's Award Young Canadians Challenge National Abuse Policy

Background

The Duke of Edinburgh's Award (the “**Award**”) is a recognition award granting programme. The Award Programme is open to participants who range in age from 14 to 25 years. To earn a bronze, silver or gold award, participants must satisfy criteria for each award level set out in a record book. The specific activities that a participant engages in to achieve the criteria are generally established by the participant in consultation with one or more adult mentors or assessors selected by the participant. The achievement of those criteria is verified by the mentors or assessors. In this Policy, the mentors and the assessors for a participant are collectively called the “**Assessor**”. In the vast majority of cases, participants enrolled in the Award Programme belong to other groups (“**Other Community Group**”), such as scouts, guides, cadets, etc. and earn their bronze, silver or gold award through participation in the program of activities and events carried on by the Other Community Group (“**Other Community Activities**”). The leaders or adults who represent the Other Community Group may also be the Assessor for the Award participant. There are some participants (“**Independent Participants**”) who are enrolled in the Award Programme independent of any Other Community Group. These Independent Participants select a person or persons of their choosing to be their Assessor to help the Independent Participant to establish a program of activities (“**Independent Activities**”) to satisfy the Award’s criteria. The Award does not select or recommend Assessors of participants in Other Community Groups or for Independent Participants.

The Award has a small group of employees, and in some cases a limited number of volunteers that it has appointed or people that it has contracted to assist in the carrying out of targeted activities (the employees, volunteers and contracted individuals collectively called “**Award Staff**”) who administer the Award Programme. The Award regularly hosts public ceremonies at which participants who have earned their awards are recognized. In a small number of instances the Award may sponsor an individual activity or event (an “**Award Directed Activity**”) using Award Staff which will enable participants to work towards the achievement of an award.

General Statement

The Award believes that young people should develop a sense of responsibility in themselves and their communities by participating in a wide range of activities that will enhance their individual development. They should be able to participate in these activities free from sexual, physical and mental abuse (collectively, “**Abuse**”). Definitions of sexual, physical and mental abuse are set out in the attached National Abuse Policy Regarding Participants in The Duke of Edinburgh’s Award Directed Activities. The Award is committed to providing participants in Award Directed Activities with an environment that is free from Abuse. Sexual, physical or mental abuse is a form of misconduct that would undermine the relationship between the Award and its

participants. Abuse is prohibited in any location that can reasonably be regarded as an extension of the workplace or site of an Award Directed Activity.

The Award is at risk for the Abuse of its participants or their Assessors in an Award Directed Activity by Award Staff. As the Award has no control over the selection of Assessors chosen by the participant from Other Community Groups or by Independent Participants and no control over or responsibility for the activities engaged in to achieve the Award levels, the Award believes that it has no responsibility for any Abuse that may occur at Other Community Activities or Independent Activities. The Award is, however, responsible for the conduct of its Award Staff at Award Directed Activities.

All Award Staff, each participant and, where possible, each Assessor will be advised of the existence, or provided with a copy, of the National Abuse Policy at the time that the Award Staff is retained, when a participant enrolls in the Award or when the Award becomes aware that a participant has changed his or her Assessor.

Screening

To minimize the risk of abusive conduct, all Award Staff and applicants for position as Award Staff will be screened by the Award, according to the procedures current when they apply and appropriate to the position they are seeking. As participants choose their own Assessors, participants will be advised that the Award does not screen those Assessors. The goal is safe activities, safe participants and their Assessors and safe Award Staff.

An applicant for a position of Award Staff must submit a completed application, three references, a Criminal Records Screening Certificate from a local or provincial police force or the Royal Canadian Mounted Police and a personal interview will be required. Every member of the Award Staff is obliged to submit a Criminal Record Screening Certificate every three years and to inform the appropriate supervisor if he or she is charged, tried, or convicted of any offence under the *Criminal Code* or under any other provincial or federal statutes. Applicants will not be accepted and Award staff will be terminated if they have any convictions or charges pending for the following offenses:

- physical or sexual offences under the *Criminal Code*;
- current prohibitions or probation orders forbidding the individual to have contact with any person; or
- outstanding convictions or charges pending for any violent offenses.

In addition, applicants may not be accepted and Award Staff may be terminated if they have outstanding convictions or charges pending for any other criminal offenses, if that relates or may relate to their duties.

Applications may be rejected as a result of other information gained during the police records check process or through the screening process as a whole, or as a consequence of other factors. The applicant has the right to know why he or she is being refused to the extent the Award is permitted to release that information.

Access to police check reports, case histories or other relevant documentation is limited to the

Executive Director and President for screening of applicants. Divisions wishing to employ “screening committees” which may or may not include the Executive Director and or President may do so. Confidential information on applicants however must only be shared with others if it is required in the performance of screening duties. The names of those receiving the information will be recorded in the file. Otherwise, confidential information will only be released with the consent of the individual in question. Confidential information on each member of the Award Staff will be destroyed five years after the departure of that member.

The Award Programme will act quickly and prudently to investigate and resolve any complaints of Abuse, with a view to stopping any wrongdoing, caring for the individuals who have been harmed, taking appropriate action with respect to the wrongdoer, and preventing future occurrences. Where it appears that a significant incident has occurred regarding a participant who is not a minor, the Award should retain trained professionals or, with the complainant’s consent, call in law enforcement and social welfare agencies to investigate and provide care. Regarding participants who are minors, most Provinces or Territories have laws requiring adults to report the possible abuse of a minor to authorities. In those jurisdictions, any complaints made to the Award will be reported to the appropriate authorities, even if the participant withdraws the allegation.

Penalties for Policy Violations by Award Staff

The attached National Abuse Policy Regarding Participants in The Duke of Edinburgh’s Award Directed Activities discusses a complaint and investigation procedure. If an investigation of any allegation of Abuse shows that abusive behavior has taken place, and the person against whom the complaint has been made is a member of the Award Staff, that person will be subject to disciplinary action, up to and including dismissal, and may be reported to legal authorities.

National Abuse Policy Regarding Participants in The Duke of Edinburgh’s Award Directed Activities

The Award has passed this National Abuse Policy as it believes that sexual, physical and mental abuse (collectively “Abuse”) is a form of misconduct that is reprehensible and which would undermine the integrity of the Award’s Programme. You, as a participant, or a Assessor of a participant, in the Award Programme have the right to take part in activities in an environment free from abuse.

The Award is responsible for the conduct of Award Staff at Award Directed Activities. The Award is not responsible for the conduct of Assessors of Other Community Groups or Assessors of Independent Participants, whether that is at Award Directed Activities or other activities. The Award screens its Award Staff but does not screen Assessors of Other Community Groups or Assessors of Independent Participants.

What is sexual abuse? Sexual abuse is any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented molestation, contact, conduct or harassment that is offensive or objectionable to the recipient and includes any conduct that constitutes a sexual offence under the Criminal Code. This is not limited to physical contact but

can include suggestive comments, gestures and offensive pictures or drawings.

Determining what constitutes sexual abuse depends upon the specific facts and the context in which the conduct occurs. Sexual abuse may take many forms-subtle and indirect, or blatant and overt. For example,

- It may be conduct toward an individual of the opposite sex or the same sex.
- It may consist of repeated actions or may even arise from a single serious incident.
- It may include, but is not limited to:
 - inappropriate physical contact;
 - lewd comments about an individual's sex, sexuality or sexual behavior;
 - sexually suggestive comments or obscene gestures;
 - inappropriate pictures, particularly those of scantily-clad individuals.

What is physical abuse? Physical abuse is willful and deliberate misconduct:

- causing or permitting another person to suffer unjustifiable pain or suffering, or
- causing or permitting another person to be placed in a situation in which their life or limb likely would be endangered or their health likely would be impaired.

What is mental abuse? Mental abuse is a willful and deliberate pattern of hurting an individual's feelings to the point of damaging their self-respect. It includes verbal attacks on the individual, insults, humiliation, rejection or bullying. Bullying may be direct such as teasing, taunting, threatening, hitting and stealing that are initiated by one or more individuals against a victim. Bullying may also be more indirect by causing an individual to be socially isolated through intentional exclusion. Whether the bullying is direct or indirect, the key component of bullying is that the physical, emotional or psychological intimidation occurs repeatedly over time to create an ongoing pattern of harassment and abuse.

What should you do if you are abused? If you feel that you have been sexually, physically or mentally abused at an Award Directed Activity, report it immediately to a parent, guardian or responsible adult whose judgement you trust. You should also report it to either of the Executive Director or the President of the Award in your Province or Territory (check the Award's website www.dukeofed.org for details).

Confidentiality. The Award recognizes that confidentiality is important. To the extent reasonably possible, the persons who are responsible to implement this Policy will respect the confidentiality and privacy of individuals who make a complaint and those accused of being abusive. Examples of situations where confidentiality cannot be maintained include circumstances when the Award is required by law to disclose information (such as in response to legal process) and when disclosure is required by the Award's overriding interest in protecting the rights of others.

What happens after a complaint is made? If you are a minor you should be aware that in most Provinces and Territories, adults who become aware of a possible abuse of a minor are required by law to report it to the appropriate authorities. In that case, the Award has no choice but to report the possible abuse

If you are an adult we will try to outline the options available to you for dealing with a complaint, and if you choose to file a complaint with another agency the Award will provide such assistance or support as it considers reasonable. If you choose to have the Award stay directly involved the level of investigation will depend on the circumstances and the gravity of the complaint. We will stay in contact with you about the status of your complaint and what action is being taken. In appropriate cases, professional investigators may be asked to assist in the investigation or the Award may ask you to consent to law enforcement or social welfare agencies being called in to investigate. Depending on the circumstance our investigation may extend to speaking with possible witnesses and with the person named in your complaint. How quickly this may be done will depend on the complexity of your complaint and the investigation. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all of the persons involved. The results of the investigation may be used in the third party intervention process.

Protection Against Reprisals. You have the right to report Abuse without fear of reprisal. If someone threatens you because you filed a complaint or were a witness you should report that immediately. The Award will not tolerate reprisal against an individual who in good faith reports or provides information in an investigation about behavior that may violate this Policy.

Penalties for Policy Violations by Award Staff. All members of the Award Staff are subject to this policy. Abuse will not be tolerated at the site of any Award Directed Activity. If an investigation of any allegation of Abuse against a member of the Award Staff shows that abusive behavior has taken place, the abuser will be subject to disciplinary action, up to and including dismissal and may be reported to legal authorities.

PLEASE NOTE: If you are participating in the Award Programme as an Independent Participant or as a member of an Other Community Group, The Duke of Edinburgh's Award does not screen the Assessor you have or who you have chosen nor does the Award have any right of supervision or control over that Assessor. Though the Award will have no liability to you for Abuse by a Assessor in those circumstances, the Award will respond if you contact the Award with a complaint.

Responsibilities

The Abused Participant

- **If you are a minor and** you feel that you have been sexually, physically or mentally abused at an Award Directed Activity, report it immediately to a parent, guardian or responsible adult whose judgement you trust. You should also report it to the Executive Director or President of the Award in your Province or Territory (check the Award's website www.dukeofed.org for details).
- **If you are an adult and** you think the behaviour is minor, consider using an informal method of resolution. Only use this method if you feel it will permanently stop the offensive behavior without reprisal and you feel the offender should be given a chance to change.
- However, if you think the incident and behaviour is serious , absolutely unacceptable, or repeated, you should file a formal complaint with appropriate legal authorities or with the Award.

The Offending Person

- If a formal complaint has been filed, seek legal counsel or assistance to understand your rights.
- Seek help from someone that can assist you in getting on track

The Friend or Assessor

- If you are approached by a participant who feels they have been sexually, physically or mentally abused, take action.
- If the participant is a minor determine if you are in a Province or Territory that has laws requiring you to report the possible abuse of a minor to authorities. If so, you must report the possible Abuse. Under some laws, you may be required to report the possible abuse even if the participant withdraws the allegation.
- If the participant is an adult consider doing the following:
 - If the incident seems minor, and the participant is willing, encourage the participant to approach the offending person directly, offering to accompany the participant if they would like, or use other informal resolution methods.
 - If the incident seems more serious, offer to accompany the participant to the appropriate authorities to file a formal complaint.
 - Take responsibility to see that the Abuse is stopped and there is no reprisal against the participant.

Award Staff

- If you observe or are approached about an incident of Abuse, take action.
- If the participant is a minor determine if you are in a Province or Territory that has laws requiring you to report the possible abuse of a minor to authorities. If so, you must report the possible Abuse. Under some laws, you may be required to report the possible abuse even if the participant withdraws the allegation.
- If the participant is an adult consider doing the following:
 - If the incident seems minor, and the participant is willing encourage the participant to approach the offending person directly, offering to accompany the participant if they would like, or use other informal resolution methods.
 - If the incident seems more serious, offer to accompany the participant the appropriate regulatory authority to file a formal complaint.
- Act promptly and take corrective action if you supervise the offending individual.
- Take responsibility to see that the Abuse is stopped. Warn all parties immediately against behavior which may be or look like direct or indirect reprisal.